



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**MEMORANDUM**

**SUBJECT:** [REDACTED] Lead Based Paint and Asbestos Section,  
Chemical Safety and Enforcement Branch, U.S. Environmental Protection Agency,  
Region 4, Atlanta, Georgia, Response to Investigation Report

**FROM:** [REDACTED]  
Air, Pesticides and Toxics Management Division

5/26/16

**TO:** [REDACTED]  
Acting Special Agent in Charge, Atlanta Field Office  
Office of Inspector General, Office of Investigations

Thank you for the investigation of the missing files belonging to the Lead Based Paint and Asbestos Section. After thorough review of the above referenced report, I have taken the following steps to address the findings of the investigation.

- The Lead Based Paint and Asbestos Section has put in place additional safeguards and appropriate records management systems to assure the security of their files. Some of the safeguards include: Keeping the files locked when in the central filing locations; development of an inventory of files; a system of retrieving and returning files through a document control officer and additional training for staff handling these files.
- I have reviewed implementation of the system and have invested additional resources to complete the inventory of records.
- After consultation with the Labor Relations Specialist, I counseled [REDACTED] 2016, on the critical nature of records management and directed [REDACTED] to take appropriate care in securing and managing Agency records.

Please contact me if you have any questions regarding my follow-up to the investigative report at 404 [REDACTED]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

Re: Determination of Inspection Results  
Ref. No.: TSCA- [REDACTED]

Dear [REDACTED]

On [REDACTED] the U.S. Environmental Protection Agency Region 4 conducted an inspection of [REDACTED] to determine compliance with the Requirements for Disclosure of Known Lead-Based Paint, Lead-Based Paint Hazards, Use of Lead-Safe Work Practices and Record Maintenance in Renovation Repair and Painting Activities performed on Target Housing and Child-Occupied Facilities. The Renovation, Repair and Painting Rule was promulgated pursuant to Section 402 and 406 of the Toxic Substance Control Act (TSCA) (15 U.S.C. 2682 and 2686), and is codified at Title 40 of the Code of Federal Regulations (40 C.F.R.) Part 745, Subpart E, Residential Property Renovation.

As a result of this inspection, the EPA did not identify any violations of the Renovation, Repair and Painting Rule. At this time, we consider the compliance evaluation to be closed. However, the EPA reserves the right to conduct future inspections and/or follow-ups as warranted. The regulations pursuant to TSCA can be found at: <http://www.epa.gov/lead> on the EPA's website.

You may contact [REDACTED] of the EPA Region 4 staff at (404) [REDACTED] or [REDACTED]@epa.gov, if you have any questions.

Sincerely,

[REDACTED]  
Lead and Children's  
Health Section



**PESTICIDES & TOXIC  
SUBSTANCES BRANCH**  
Lead and Children's Health Section

Document: TSCA RRP / PAB Letter  
Respondent: [REDACTED]  
REF. NO.: TSCA [REDACTED]

RRP PAB Letter Routing Slip		
To:	Initials	Date
1. [REDACTED] CDO - <i>(Prepare documents for Review)</i>	[REDACTED]	[REDACTED] 13
2. PTSB Admin - <i>(Review/Edit/Print documents/Brown folder)</i>	[REDACTED]	[REDACTED] 13
3. [REDACTED] - <i>(Signature)</i>	[REDACTED]	[REDACTED] 13
4. PTSB Admin - <i>(Copying/Mailing- Regular)</i>	[REDACTED]	[REDACTED] 13
5.		
<b>Notes:</b> Admin: Send regular mail		
<b>Remarks:</b>		
<b>From:</b> [REDACTED]		<b>LCHS</b>
		<b>Ext.:</b> [REDACTED]

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA, GEORGIA**

**IN THE MATTER OF:**

NAME: \_\_\_\_\_  
COMPANY NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY, STATE ZIP CODE: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_


**AFFIDAVIT RESPONDING TO THE INFORMATION REQUEST**


I, the undersigned Affiant, first being duly sworn upon an oath, depose and say:

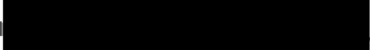
1. Attached hereto are 2 pages of photocopies of documents or records. I certify that the attached pages are true and correct copies of documents which I presently have in my custody and/or control as an owner and/or employee of: \_\_\_\_\_  
at the following address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. I am the custodian (or one of the custodians) of the attached records. These documents have been requested by the U.S. Environmental Protection Agency and are being produced, along with this Affidavit, in response to the Information Request or inspection.
3. The attached records were and/or are received and/or kept in the usual course of the regularly conducted business and activity of the entity listed in Paragraph 1 above. These records are relied upon by me and others for the purpose of conducting everyday affairs. The said records are usually prepared, or received, at or near the time of the events to which they relate, upon the basis of the knowledge of the person transmitting the information so that such records could be prepared.

4. I have made a diligent search and inquiry for all records. I have not located, been told about, nor do I have knowledge of, any documents or records that have not been copied and submitted with this Affidavit. **To the best of my knowledge as an authorized representative of the entity named above, state that this entity has not performed or sub-contracted any project or work that is covered under any authority or part of the U S Environmental Protection Agency Regulation under the Renovation Repair and Paining Rule which was effective on April 22, 2010, under Title 40 C.F.R. Part 745, Subpart D – Lead-Based Paint Hazards and Subpart E – Residential Property Renovation.**

5. All responses to the inquiries contained in the aforementioned Information Request are true, complete, and accurate. I acknowledge that this Affidavit is submitted to the U.S. Environmental Protection Agency in connection with a matter within the jurisdiction of the EPA, and that any material false statement of fact herein may be a federal crime under Title 18 U.S.C. § 1001.

Date:  / 3

Signature: 

Typed Name: 

Office or Title: Owner

**SWORN AND SUBSCRIBED TO** before me

this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
A Notary Public in and for the State or

Territory of \_\_\_\_\_.

SECTION 1018, 402 AND RRP INSPECTION COMMENTS

INSPECTION LOG No.: TSCA [REDACTED]

DATE: [REDACTED] 13

INSPECTOR: [REDACTED]

FACILITY NAME: [REDACTED]

COMMENTS

Have bid some jobs but have not done  
any Pre-1978 work.

Inspector: \_\_\_\_\_

Page \_\_\_\_ of \_\_\_\_





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

2013

Re: Determination of Inspection Results  
Ref. No.: [REDACTED]

Dear [REDACTED]

On [REDACTED] 2013, the U.S. Environmental Protection Agency Region 4 conducted an inspection of [REDACTED] to determine compliance with the Requirements for Accreditation and Operation of Training Programs and Work Practice Standards for Conduction of Lead-Based Paint Activities: Target Housing and Child-Occupied Facilities. The Regulation was promulgated pursuant to Section 402 and 406 of the Toxic Substance Control Act (TSCA) (15 U.S.C. 2682 and 2686), and is codified at Title 40 of the Code of Federal Regulations (40 C.F.R.) Part 745, Subpart E, Residential Property Renovation and Subpart L Lead Based Paint Activities.

As a result of this inspection, the EPA did not identify any violations of the Renovation, Residential Property Renovation and Lead Based Paint Activities. At this time, we consider the compliance evaluation to be closed. However, the EPA reserves the right to conduct future inspections and/or follow-ups as warranted. The regulations pursuant to TSCA can be found at: <http://www.epa.gov/lead> on the EPA's website.

You may contact [REDACTED] of the EPA Region 4 staff at (404) [REDACTED] if you have any questions.

Sincerely,

[REDACTED]  
Lead and Children's  
Health Section

**PESTICIDES & TOXIC SUBSTANCES BRANCH**  
Lead and Children's Health Section

**Document:** PAB - RRP  
**Respondent:** [REDACTED]  
**REF. NO.:** [REDACTED]

**RRP PAB Letter Routing Slip**

To:	Initials	Date
1. [REDACTED] CDO - <i>(Prepare documents for Review)</i>	[REDACTED]	[REDACTED] 13
2. PTSB Admin - <i>(Put in Admin-Hard Copy Folder/Admin Review/Print documents/Brown folder)</i>	[REDACTED]	[REDACTED] 13
3. [REDACTED] - <i>(Signature)</i>	[REDACTED]	[REDACTED] 3
4. PTSB Admin - <i>(Date/Copying/Read Folder/Mailing- Regular)</i>	[REDACTED]	[REDACTED] 13
5. [REDACTED] <i>(Tracking/Pipeline/File Folder)</i>	[REDACTED]	[REDACTED] 13
<b>Notes:</b> Admin: Send regular mail		
<b>Remarks: Documents In The Folder</b>  1. Cover Letter <input type="checkbox"/>  2. Routing Slip <input type="checkbox"/>		
<b>From:</b> [REDACTED] CDO	<b>LCHS</b>	
	<b>Ext.:</b> [REDACTED]	



EPA REGION 4 - SECTION 1018, 402 AND RRP INSPECTION REPORT  
LEAD-BASED PAINT DISCLOSURE AND RECORD KEEPING RULES

INSPECTION LOG No.: TSCAIV [REDACTED] DATE: [REDACTED] 13 ENTRY TIME: 10:30 AM  
REASON FOR INSPECTION: ☐ TSCA Neutral Scheme ☐ Tip/Complaint ☒ Other  
INSPECTOR(S): (1) [REDACTED] (2) [REDACTED]  
Latitude: [REDACTED] Longitude: [REDACTED] ICIS #: [REDACTED]

INSPECTION ENTRY/OPENING CONFERENCE (check):

- ☒ 1. Presented EPA credentials to person in charge and explained purpose and scope of inspection.  
Name: [REDACTED] Title: PRESIDENT  
☒ 2. Notice of Inspection (NOI) and Certification of Voluntary Consent signed by person in charge.  
☒ 3. Confidential Business Information (CBI) Notification provided.  
☐ 4. Denied entry/inspection terminated, or unable to gain entry to facility.  
Reason: [REDACTED]

Facility Representatives at Opening Conference (Name and Title):

[REDACTED]  
PRESIDENT

FIRM OR FACILITY INFORMATION

Name: [REDACTED] Phone No.: [REDACTED]  
Address: [REDACTED]  
City, State & Zip Code: [REDACTED] County: [REDACTED] Number Conducted

- Activity: ☐ Property Management ☐ Lead-Based Paint Inspection  
☐ Apartment Complex ☐ Lead-Based Paint Risk Assessment  
☐ Realty Office ☐ Lead-Based Paint Hazard Screen  
☒ Renovation Repair & Painting ☐ Lead-Based Paint Abatement  
☐ Other [REDACTED] ☐ LBP Abatement Clearance Sampling

No. of Dwellings Leased [REDACTED] Est. No. of Dwellings Sold/Year [REDACTED] Year Built (if multifamily): [REDACTED]  
Legal Owner: [REDACTED] Phone No.: [REDACTED]  
Owner Address: [REDACTED] State [REDACTED] Zip [REDACTED]  
Management Co.: [REDACTED] Phone No.: [REDACTED]  
Management Co. Address: [REDACTED] State [REDACTED] Zip [REDACTED]

FILES REVIEWED:

- ☐ Lead-Based Paint Inspection Section 402  
☐ Lead-Based Paint Risk Assessment - Section 402  
☐ Lead-Based Paint Hazard Screen - Section 402  
☐ Lead-Based Paint Abatement - Section 402  
☐ Lead-Based Paint Abatement Clearance Sampling - Section 402  
☐ Lead-Based Paint Disclosure Rule - Section 1018  
☒ Lead-Based Paint Renovation Repair and Painting - RRP  
☐ No Files Available for Review Reason: [REDACTED]

Number Reviewed

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

POST-INSPECTION/CLOSING CONFERENCE

Facility Representative: [REDACTED] Title: PRESIDENT  
Facility representative provided with copies of (check appropriate item(s)):

- ☒ 1. NOI ☒ 3. SBREFA Sheet ☐ 5. Section 1018 Information  
☒ 2. CBI Notification ☐ 4. Receipt for documents ☐ 6. TSCA 406b Information

INSPECTOR'S SIGNATURE: [REDACTED] DATE: [REDACTED] 13

SECTION 1018, 402 AND RRP INSPECTION COMMENTS

INSPECTION LOG No.: TSCAN [REDACTED]

DATE: [REDACTED] 13

INSPECTOR: [REDACTED]

FACILITY NAME: [REDACTED]

COMMENTS

AFTER TAKING CLASS [REDACTED]  
DECIDED NOT TO DO ANY PRE-78  
PROTECTS.

I need to send [REDACTED] copies of  
NOI, CBI, SBR-FD + receipt of docs.

Inspector: \_\_\_\_\_

Page \_\_\_\_ of \_\_\_\_ Pages



**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA, GEORGIA**

**IN THE MATTER OF:**

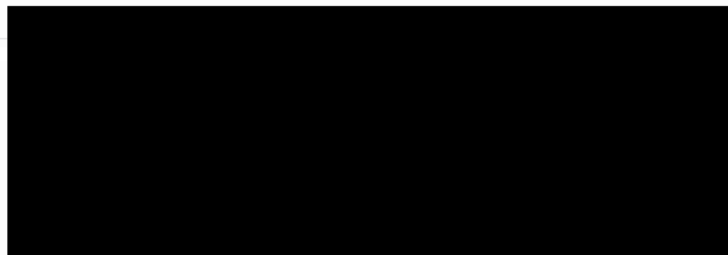
NAME:

COMPANY NAME:

ADDRESS:


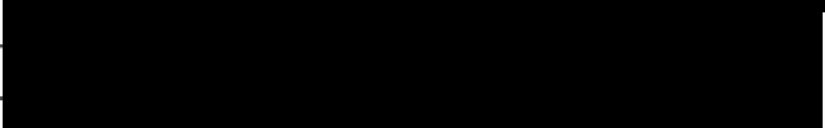
ADDRESS:

CITY, STATE ZIP CODE:



**AFFIDAVIT RESPONDING TO THE INFORMATION REQUEST**

I, the undersigned Affiant, first being duly sworn upon an oath, depose and say:

1. Attached hereto are \_\_\_\_\_ pages of photocopies of documents or records. I certify that the attached pages are true and correct copies of documents which I presently have in my custody and/or control as an owner and/or employee of:   
at the following address: 
2. I am the custodian (or one of the custodians) of the attached records. These documents have been requested by the U.S. Environmental Protection Agency and are being produced, along with this Affidavit, in response to the Information Request or inspection.
3. The attached records were and/or are received and/or kept in the usual course of the regularly conducted business and activity of the entity listed in Paragraph 1 above. These records are relied upon by me and others for the purpose of conducting everyday affairs. The said records are usually prepared, or received, at or near the time of the events to which they relate, upon the basis of the knowledge of the person transmitting the information so that such records could be prepared.

4. I have made a diligent search and inquiry for all records. I have not located, been told about, nor do I have knowledge of, any documents or records that have not been copied and submitted with this Affidavit. **To the best of my knowledge as an authorized representative of the entity named above, state that this entity has not performed or sub-contracted any project or work that is covered under any authority or part of the U S Environmental Protection Agency Regulation under the Renovation Repair and Painting Rule which was effective on April 22, 2010, under Title 40 C.F.R. Part 745, Subpart D – Lead-Based Paint Hazards and Subpart E – Residential Property Renovation.**

5. All responses to the inquiries contained in the aforementioned Information Request are true, complete, and accurate. I acknowledge that this Affidavit is submitted to the U.S. Environmental Protection Agency in connection with a matter within the jurisdiction of the EPA, and that any material false statement of fact herein may be a federal crime under Title 18 U.S.C. § 1001.

Date:

[REDACTED] 13

Signature

[REDACTED]

Typed Name:

[REDACTED]

Office or Title: PRESIDENT

AS OF THIS DATE.

[REDACTED] 13

[REDACTED]

SWORN AND SUBSCRIBED TO before me

this [REDACTED] day of [REDACTED], 2012. 2013

[REDACTED]

A Notary Public in and for the State or

Territory of

[REDACTED]

[REDACTED]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

Re: Determination of Inspection Results  
Ref. No.: TSCA-IV [REDACTED]

Dear [REDACTED]

On [REDACTED] and [REDACTED] 2013, the U.S. Environmental Protection Agency Region 4 conducted inspections of [REDACTED] to determine compliance with the Requirements for Disclosure of Known Lead-Based Paint, Lead-Based Paint Hazards, Use of Lead-Safe Work Practices and Record Maintenance in Renovation Repair and Painting Activities performed on Target Housing and Child-Occupied Facilities. The Renovation, Repair and Painting Rule was promulgated pursuant to Section 402 and 406 of the Toxic Substance Control Act (TSCA) (15 U.S.C. 2682 and 2686), and is codified at Title 40 of the Code of Federal Regulations (40 C.F.R.) Part 745, Subpart E, Residential Property Renovation.

As a result of this inspection, the EPA did not identify any violations of the Renovation, Repair and Painting Rule. At this time, we consider the compliance evaluation to be closed. However, the EPA reserves the right to conduct future inspections and/or follow-ups as warranted. The regulations pursuant to TSCA can be found at: <http://www.epa.gov/lead> on the EPA's website.

You may contact [REDACTED] of the EPA Region 4 staff at (404) [REDACTED] or [REDACTED]@epa.gov, if you have any questions.

Sincerely,

[REDACTED]  
Lead and Children's  
Health Section

**PESTICIDES & TOXIC  
SUBSTANCES BRANCH**  
Lead and Children's Health Section

Document: TSCA RRP / PAB Letter  
Respondent: [REDACTED]  
REF. NO.: TSCA-[REDACTED]

**RRP PAB Letter Routing Slip**

To:	Initials	Date
1. [REDACTED] CDO - <i>(Prepare documents for Review)</i>	[REDACTED]	[REDACTED]/13
2. PTSB Admin - <i>(Review/Edit/Print documents/Brown folder)</i>	[REDACTED]	[REDACTED] 13
3. [REDACTED] - <i>(Signature)</i>	[REDACTED]	[REDACTED] 13
4. PTSB Admin - <i>(Copying/Mailing- Regular)</i>	[REDACTED]	[REDACTED] 7
5.		
<b>Notes:</b> Admin: Send regular mail		
<b>Remarks:</b>		
From: [REDACTED]		LCHS
		Ext.: [REDACTED]



SECTION 1018, 402 AND RRP INSPECTION COMMENTS

INSPECTION LOG No.: TSCAIV - [REDACTED]

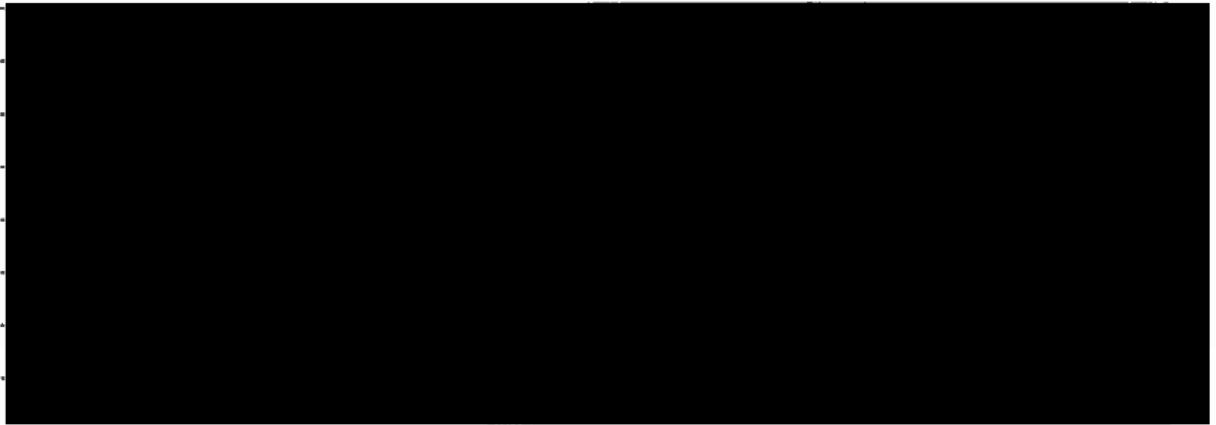
DATE: [REDACTED] / 3

INSPECTOR: [REDACTED] FACILITY NAME: [REDACTED]

COMMENTS

*Second Inspection of* [REDACTED]

*Does work for* [REDACTED]



*See* [REDACTED] [REDACTED] / 2

Inspector: \_\_\_\_\_

Page \_\_\_\_ of \_\_\_\_



EPA REGION 4 - SECTION 1018, 402 AND RRP INSPECTION REPORT  
LEAD-BASED PAINT DISCLOSURE AND RECORD KEEPING RULES

INSPECTION LOG No.: TSCAIV- [REDACTED] DATE: [REDACTED] 13 ENTRY TIME: 10:45  
REASON FOR INSPECTION: ☒ TSCA Neutral Scheme ☐ Tip/Complaint ☐ Other \_\_\_\_\_  
INSPECTOR(S): (1) [REDACTED] (2) \_\_\_\_\_

INSPECTION ENTRY/OPENING CONFERENCE (check):

- ☒ 1. Presented EPA credentials to person in charge and explained purpose and scope of inspection.  
Name: [REDACTED] Title: President  
☒ 2. Notice of Inspection (NOI) and Certification of Voluntary Consent signed by person in charge.  
☒ 3. Confidential Business Information (CBI) Notification provided.  
\_\_\_\_ 4. Denied entry/inspection terminated, or unable to gain entry to facility.

Reason: \_\_\_\_\_

Facility Representatives at Opening Conference (Name and Title):  
[REDACTED]

FIRM OR FACILITY INFORMATION

Name: [REDACTED] Phone No.: [REDACTED]  
Address: [REDACTED]  
City, State & Zip Code: [REDACTED] County: \_\_\_\_\_ Number Conducted \_\_\_\_\_

Activity: ☐ Property Management

☐ Apartment Complex

☐ Realty Office

☒ Renovation Repair & Painting

☐ Other \_\_\_\_\_

☐ Lead-Based Paint Inspection \_\_\_\_\_

☐ Lead-Based Paint Risk Assessment \_\_\_\_\_

☐ Lead-Based Paint Hazard Screen \_\_\_\_\_

☐ Lead-Based Paint Abatement \_\_\_\_\_

☐ LBP Abatement Clearance Sampling \_\_\_\_\_

No. of Dwellings Leased \_\_\_\_\_ Est. No. of Dwellings Sold/Year \_\_\_\_\_ Year Built (if multifamily): \_\_\_\_\_

Legal Owner: [REDACTED] President Phone No.: \_\_\_\_\_

Owner Address: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Management Co.: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Management Co. Address: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

FILES REVIEWED:

- ☐ Lead-Based Paint Inspection Section 402  
☐ Lead-Based Paint Risk Assessment - Section 402  
☐ Lead-Based Paint Hazard Screen - Section 402  
☐ Lead-Based Paint Abatement - Section 402  
☐ Lead-Based Paint Abatement Clearance Sampling - Section 402  
☐ Lead-Based Paint Disclosure Rule - Section 1018  
☒ Lead-Based Paint Renovation Repair and Painting - RRP  
☐ No Files Available for Review \_\_\_\_\_ Reason: \_\_\_\_\_

Number Reviewed \_\_\_\_\_

POST-INSPECTION/CLOSING CONFERENCE

Facility Representative: [REDACTED] Title: President

Facility representative provided with copies of (check all that apply):  
(s):

- ☒ 1. NOI ☐ 3. SBREFA Sheet ☐ 5. Section 1018 Information  
☒ 2. CBI Notification ☒ 4. Receipt for documents ☐ 6. TSCA 406b Information

INSPECTORS SIGNATURE: [REDACTED]

DATE: [REDACTED] 13

①

2013 1:48:28 PM

Pages:1

DATE: 13

ORDER FOR  
ADDRESS :

PHONE:

VENDOR NAME :  
ADDRESS :

CONTACT:  
PHONE:  
FAX:

PROJECT :  
PO :  
INVOICE :  
EST DELIVERY :

ASSOCIATE:  
AR NUMBER:

QTY	ITEM	ITEM DESCRIPTION	BIN	VEND PART#	COST	EXT COST
					35.00	35.00



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

2013

Re: Determination of Inspection Results  
Ref. No.: TSCA-IV-[REDACTED]

Dear [REDACTED]

On [REDACTED] 2013, the U.S. Environmental Protection Agency Region 4 conducted an inspection of [REDACTED] to determine compliance with the Requirements for Disclosure of Known Lead-Based Paint, Lead-Based Paint Hazards, Use of Lead-Safe Work Practices and Record Maintenance in Renovation Repair and Painting Activities performed on Target Housing and Child-Occupied Facilities. The Renovation, Repair and Painting Rule was promulgated pursuant to Section 402 and 406 of the Toxic Substance Control Act (TSCA) (15 U.S.C. 2682 and 2686), and is codified at Title 40 of the Code of Federal Regulations (40 C.F.R.) Part 745, Subpart E, Residential Property Renovation.

As a result of this inspection, the EPA did not identify any violations of the Renovation, Repair and Painting Rule. At this time, we consider the compliance evaluation to be closed. However, the EPA reserves the right to conduct future inspections and/or follow-ups as warranted. The regulations pursuant to TSCA can be found at: <http://www.epa.gov/lead> on the EPA's website.

You may contact [REDACTED] of the EPA Region 4 staff at (404) [REDACTED] or [REDACTED]@epa.gov, if you have any questions.

Sincerely,

[REDACTED]  
Lead and Children's  
Health Section

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)



**PESTICIDES & TOXIC  
SUBSTANCES BRANCH**  
Lead and Children's Health Section

Document: TSCA RRP / PAB Letter  
Respondent: [REDACTED]  
REF. NO.: TSCA [REDACTED]

**RRP PAB Letter Routing Slip**

To:	Initials	Date
1. [REDACTED] - CDO - <i>(Prepare documents for Review)</i>	[REDACTED]	[REDACTED] /13
2. PTSB Admin - <i>(Review/Edit/Print documents/Brown folder)</i>	[REDACTED]	[REDACTED] /13
3. [REDACTED] - <i>(Signature)</i>	[REDACTED]	[REDACTED] /13
4. PTSB Admin - <i>(Copying/Mailing- Regular)</i>	[REDACTED]	[REDACTED] /13
5.		

**Notes:**

Admin: Send regular mail

**Remarks:**

**From:** [REDACTED]

LCHS

**Ext.:** [REDACTED]



EPA REGION 4 - SECTION 1018, 402 AND RRP INSPECTION REPORT  
LEAD-BASED PAINT DISCLOSURE AND RECORD KEEPING RULES

INSPECTION LOG No.: TSCAIV- [REDACTED] DATE: [REDACTED] / 3 ENTRY TIME: 1:00  
REASON FOR INSPECTION: ☒ TSCA Neutral Scheme ☐ Tip/Complaint ☐ Other \_\_\_\_\_  
INSPECTOR(S): (1) [REDACTED] (2) \_\_\_\_\_

INSPECTION ENTRY/OPENING CONFERENCE (check):

- ☒ 1. Presented EPA credentials to person in charge and explained purpose and scope of inspection.  
Name: [REDACTED] Title: \_\_\_\_\_  
☒ 2. Notice of Inspection (NOI) and Certification of Voluntary Consent signed by person in charge.  
☒ 3. Confidential Business Information (CBI) Notification provided.  
\_\_\_\_\_ 4. Denied entry/inspection terminated, or unable to gain entry to facility.

Reason: \_\_\_\_\_

Facility Representatives at Opening Conference (Name and Title):

FIRM OR FACILITY INFORMATION

Name: [REDACTED] Phone No: [REDACTED]  
Address: [REDACTED]  
City, State & Zip Code: [REDACTED] County: [REDACTED] Number Conducted \_\_\_\_\_

- Activity: ☐ Property Management ☐ Lead-Based Paint Inspection \_\_\_\_\_  
☐ Apartment Complex ☐ Lead-Based Paint Risk Assessment \_\_\_\_\_  
☐ Realty Office ☐ Lead-Based Paint Hazard Screen \_\_\_\_\_  
☒ Renovation Repair & Painting ☐ Lead-Based Paint Abatement \_\_\_\_\_  
☐ Other \_\_\_\_\_ ☐ LBP Abatement Clearance Sampling \_\_\_\_\_

No. of Dwellings Leased \_\_\_\_\_ Est. No. of Dwellings Sold/Year \_\_\_\_\_ Year Built (If multifamily): \_\_\_\_\_  
Legal Owner: \* [REDACTED] Phone No.: \_\_\_\_\_  
Owner Address: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Management Co.: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Management Co. Address: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

FILES REVIEWED:

- ☐ Lead-Based Paint Inspection Section 402  
☐ Lead-Based Paint Risk Assessment - Section 402  
☐ Lead-Based Paint Hazard Screen - Section 402  
☐ Lead-Based Paint Abatement - Section 402  
☐ Lead-Based Paint Abatement Clearance Sampling - Section 402  
☐ Lead-Based Paint Disclosure Rule - Section 1018  
☒ Lead-Based Paint Renovation Repair and Painting - RRP  
☐ No Files Available for Review \_\_\_\_\_ Reason: \_\_\_\_\_

Number Reviewed \_\_\_\_\_

POST-INSPECTION/CLOSURE

Facility Representative: \* [REDACTED] Title: PRESIDENT / OWNER  
Facility representative provided with copies of (check appropriate item(s)):

- ☒ 1. NOI ☐ 3. SBREFA Sheet ☐ 5. Section 1018 Information  
☒ 2. CBI Notification ☒ 4. Receipt for documents ☐ 6. TSCA 406b Information

INSPECTORS SIGNATURE: [REDACTED] DATE: [REDACTED] / 3

SECTION 1018, 402 AND RRP INSPECTION COMMENTS

INSPECTION LOG No.: TSCAIV - 13

DATE:

1/3

INSPECTOR:

FACILITY NAME:

COMMENTS

Most work in non-residential, colleges + universities,  
office buildings etc. No renovation work.  
They do 3,000 to 5,000 jobs per year.

is a certified Firm.

See Affidavit.

Inspector: \_\_\_\_\_

Page \_\_\_\_ of \_\_\_\_

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA, GEORGIA**

**IN THE MATTER OF:**

NAME:  
COMPANY NAME:  
ADDRESS:  
ADDRESS:  
CITY, STATE ZIP CODE:

[REDACTED]

\_\_\_\_\_

\_\_\_\_\_

**AFFIDAVIT RESPONDING TO THE INFORMATION REQUEST**

I, the undersigned Affiant, first being duly sworn upon an oath, depose and say:

1. Attached hereto are 0 pages of photocopies of documents or records. I certify that the attached pages are true and correct copies of documents which I presently have in custody and/or control as an owner and/or employee of [REDACTED] at the following address: [REDACTED]  
\_\_\_\_\_  
\_\_\_\_\_
2. I am the custodian (or one of the custodians) of the attached records. These documents have been requested by the U.S. Environmental Protection Agency and are being produced, along with this Affidavit, in response to the Information Request or inspection.
3. The attached records were and/or are received and/or kept in the usual course of the regularly conducted business and activity of the entity listed in Paragraph 1 above. These records are relied upon by me and others for the purpose of conducting everyday affairs. The said records are usually prepared, or received, at or near the time of the events to which they relate, upon the basis of the knowledge of the person transmitting the information so that such records could be prepared.

4. I have made a diligent search and inquiry for all records. I have not located, been told about, nor do I have knowledge of, any documents or records that have not been copied and submitted with this Affidavit. **To the best of my knowledge as an authorized representative of the entity named above, state that this entity has not performed or sub-contracted any project or work that is covered under any authority or part of the U S Environmental Protection Agency Regulation under the Renovation Repair and Paining Rule which was effective on April 22, 2010, under Title 40 C.F.R. Part 745, Subpart D – Lead-Based Paint Hazards and Subpart E – Residential Property Renovation.**

5. All responses to the inquiries contained in the aforementioned Information Request are true, complete, and accurate. I acknowledge that this Affidavit is submitted to the U.S. Environmental Protection Agency in connection with a matter within the jurisdiction of the EPA, and that any material false statement of fact herein may be a federal crime under Title 18 U.S.C. § 1001.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Typed Name: \_\_\_\_\_

Office or Title: \_\_\_\_\_

**SWORN AND SUBSCRIBED TO before me**

this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
A Notary Public in and for the State or

Territory of \_\_\_\_\_.

BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA, GEORGIA

IN THE MATTER OF:

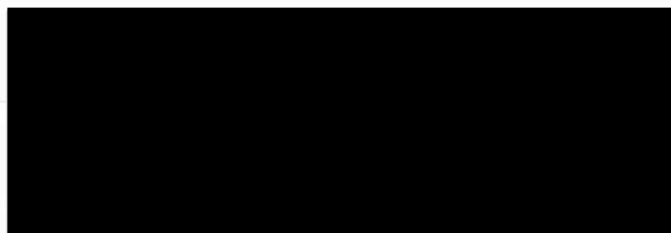
NAME:

COMPANY NAME:

ADDRESS:



ADDRESS:

CITY, STATE ZIP CODE:



AFFIDAVIT RESPONDING TO THE INFORMATION REQUEST

I, the undersigned Affiant, first being duly sworn upon an oath, depose and say:

1. Attached hereto are 0 pages of photocopies of documents or records. I certify that the attached pages are true and correct copies of documents which I presently have in my custody and/or control as an owner and/or employee of:   
at the following address: 

2. I am the custodian (or one of the custodians) of the attached records. These documents have been requested by the U.S. Environmental Protection Agency and are being produced, along with this Affidavit, in response to the Information Request or inspection.

3. The attached records were and/or are received and/or kept in the usual course of the regularly conducted business and activity of the entity listed in Paragraph 1 above. These records are relied upon by me and others for the purpose of conducting everyday affairs.

The said records are usually prepared, or received, at or near the time of the events to which they relate, upon the basis of the knowledge of the person transmitting the information so that such records could be prepared.

4. I have made a diligent search and inquiry for all records. I have not located, been told about, nor do I have knowledge of, any documents or records that have not been copied and submitted with this Affidavit. **To the best of my knowledge as an authorized representative of the entity named above, state that this entity has not performed or sub-contracted any project or work that is covered under any authority or part of the U S Environmental Protection Agency Regulation under the Renovation Repair and Paining Rule which was effective on April 22, 2010, under Title 40 C.F.R. Part 745, Subpart D – Lead-Based Paint Hazards and Subpart E – Residential Property Renovation.**

5. All responses to the inquiries contained in the aforementioned Information Request are true, complete, and accurate. I acknowledge that this Affidavit is submitted to the U.S. Environmental Protection Agency in connection with a matter within the jurisdiction of the EPA, and that any material false statement of fact herein may be a federal crime under Title 18 U.S.C. § 1001.

Date:

[REDACTED]

13

Signature

[REDACTED]

Typed Name:

[REDACTED]

Office or Title:

President

SWORN AND SUBSCRIBED TO before me

this [REDACTED] day of [REDACTED], 2013

Territory of [REDACTED]

[REDACTED]

[REDACTED]



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

2013

Re: Determination of Inspection Results  
Ref. No.: TSCA-IV [REDACTED]

Dear [REDACTED]

On [REDACTED] the U.S. Environmental Protection Agency Region 4 conducted an inspection of [REDACTED] to determine compliance with the Requirements for Disclosure of Known Lead-Based Paint, Lead-Based Paint Hazards, Use of Lead-Safe Work Practices and Record Maintenance in Renovation Repair and Painting Activities performed on Target Housing and Child-Occupied Facilities. The Renovation, Repair and Painting Rule was promulgated pursuant to Section 402 and 406 of the Toxic Substance Control Act (TSCA) (15 U.S.C. 2682 and 2686), and is codified at Title 40 of the Code of Federal Regulations (40 C.F.R.) Part 745, Subpart E, Residential Property Renovation.

As a result of this inspection, the EPA did not identify any violations of the Renovation, Repair and Painting Rule. At this time, we consider the compliance evaluation to be closed. However, the EPA reserves the right to conduct future inspections and/or follow-ups as warranted. The regulations pursuant to TSCA can be found at: <http://www.epa.gov/lead> on the EPA's website.

You may contact [REDACTED] of the EPA Region 4 staff at (404) [REDACTED] or [REDACTED]@epa.gov, if you have any questions.

Sincerely,

[REDACTED]  
Lead and Children's  
Health Section



**PESTICIDES & TOXIC  
SUBSTANCES BRANCH**  
Lead and Children's Health Section

Document: TSCA RRP / PAB Letter  
Respondent: [REDACTED]  
REF. NO.: TSCA-IV-[REDACTED]

RRP PAB Letter Routing Slip		
To:	Initials	Date
1. [REDACTED] CDO - <i>(Prepare documents for Review)</i>	[REDACTED]	[REDACTED] 3
2. PTSB Admin - <i>(Review/Edit/Print documents/Brown folder)</i>	[REDACTED]	[REDACTED] 3
3. [REDACTED] - <i>(Signature)</i>	[REDACTED]	[REDACTED] 1/3
4. PTSB Admin - <i>(Copying/Mailing- Regular)</i>	[REDACTED]	[REDACTED] 1/3
5.		
<b>Notes:</b> Admin: Send regular mail		
<b>Remarks:</b>		
From [REDACTED]		LCHS
		Ext. [REDACTED]



EPA REGION 4 - SECTION 1018, 402 AND RRP INSPECTION REPORT  
LEAD-BASED PAINT DISCLOSURE AND RECORD KEEPING RULES

INSPECTION LOG No.: TSCAM [REDACTED] DATE: [REDACTED] / 13 ENTRY TIME: 8:00  
REASON FOR INSPECTION: ☒ TSCA Neutral Scheme ☐ Tip/Complaint ☐ Other \_\_\_\_\_  
INSPECTOR(S): (1) [REDACTED] (2) \_\_\_\_\_

INSPECTION ENTRY/OPENING CONFERENCE (check):

- ☒ 1. Presented EPA credentials to person in charge and explained purpose and scope of inspection.  
Name: [REDACTED] Title: owner  
☒ 2. Notice of Inspection (NOI) and Certification of Voluntary Consent signed by person in charge.  
☒ 3. Confidential Business Information (CBI) Notification provided.  
4. Denied entry/inspection terminated, or unable to gain entry to facility.

Reason: \_\_\_\_\_

Facility Representatives at Opening Conference (Name and Title):  
[REDACTED]

FIRM OR FACILITY INFORMATION

Name: [REDACTED] Phone No.: [REDACTED]  
Address: [REDACTED]  
City, State & Zip Code: \_\_\_\_\_ County: [REDACTED] Number Conducted \_\_\_\_\_

- Activity: ☐ Property Management ☐ Lead-Based Paint Inspection \_\_\_\_\_  
☐ Apartment Complex ☐ Lead-Based Paint Risk Assessment \_\_\_\_\_  
☐ Realty Office ☐ Lead-Based Paint Hazard Screen \_\_\_\_\_  
☒ Renovation Repair & Painting ☐ Lead-Based Paint Abatement \_\_\_\_\_  
☐ Other \_\_\_\_\_ ☐ LBP Abatement Clearance Sampling \_\_\_\_\_

No. of Dwellings Leased \_\_\_\_\_ Est. No. of Dwellings Sold/Year \_\_\_\_\_ Year Built (if multifamily): \_\_\_\_\_  
Legal Owner: [REDACTED] Phone No.: \_\_\_\_\_  
Owner Address: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Management Co.: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Management Co. Address: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

FILES REVIEWED:

- ☐ Lead-Based Paint Inspection Section 402 \_\_\_\_\_  
☐ Lead-Based Paint Risk Assessment - Section 402 \_\_\_\_\_  
☐ Lead-Based Paint Hazard Screen - Section 402 \_\_\_\_\_  
☐ Lead-Based Paint Abatement - Section 402 \_\_\_\_\_  
☐ Lead-Based Paint Abatement Clearance Sampling - Section 402 \_\_\_\_\_  
☐ Lead-Based Paint Disclosure Rule - Section 1018 \_\_\_\_\_  
☒ Lead-Based Paint Renovation Repair and Painting - RRP \_\_\_\_\_  
☐ No Files Available for Review Reason: \_\_\_\_\_

POST-INSPECTION/CLOSURE

Facility Representative: [REDACTED] Title: Pres

Facility representative provided with copies of (check appropriate item(s)):

- ☒ 1. NOI ☐ 3. SBREFA Sheet ☐ 5. Section 1018 Information  
☒ 2. CBI Notification ☒ 4. Receipt for documents ☐ 6. TSCA 406b Information

INSPECTORS SIGNATURE: [REDACTED]

DATE: [REDACTED] / 13



SECTION 1018 INSPECTION COMMENTS

INSPECTION LOG No.: TSCAIV-

DATE:

13

INSPECTOR: Elmore Johnson

FACILITY NAME:

COMMENTS

doesn't  
do any RRP working when doing roofing  
work.

X See Affidavit

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA, GEORGIA**

**IN THE MATTER OF:**

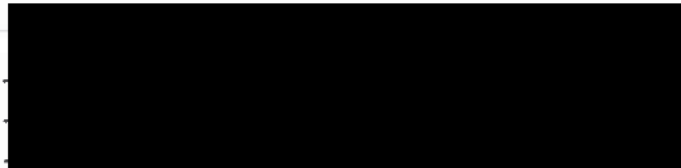
NAME:

COMPANY NAME:

ADDRESS:

ADDRESS:


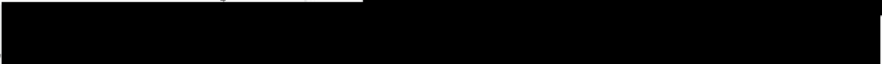
CITY, STATE ZIP CODE:



\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT RESPONDING TO THE INFORMATION REQUEST**


I, the undersigned Affiant, first being duly sworn upon an oath, depose and say:

1. Attached hereto are 0 pages of photocopies of documents or records. I certify that the attached pages are true and correct copies of documents which I presently have in my custody and/or control as an owner and/or employee of:   
at the following address:   
\_\_\_\_\_
2. I am the custodian (or one of the custodians) of the attached records. These documents have been requested by the U.S. Environmental Protection Agency and are being produced, along with this Affidavit, in response to the Information Request or inspection.
3. The attached records were and/or are received and/or kept in the usual course of the regularly conducted business and activity of the entity listed in Paragraph 1 above. These records are relied upon by me and others for the purpose of conducting everyday affairs. The said records are usually prepared, or received, at or near the time of the events to which they relate, upon the basis of the knowledge of the person transmitting the information so that such records could be prepared.

4. I have made a diligent search and inquiry for all records. I have not located, been told about, nor do I have knowledge of, any documents or records that have not been copied and submitted with this Affidavit. **To the best of my knowledge as an authorized representative of the entity named above, state that this entity has not performed or sub-contracted any project or work that is covered under any authority or part of the U S Environmental Protection Agency Regulation under the Renovation Repair and Paining Rule which was effective on April 22, 2010, under Title 40 C.F.R. Part 745, Subpart D – Lead-Based Paint Hazards and Subpart E – Residential Property Renovation.**

5. All responses to the inquiries contained in the aforementioned Information Request are true, complete, and accurate. I acknowledge that this Affidavit is submitted to the U.S. Environmental Protection Agency in connection with a matter within the jurisdiction of the EPA, and that any material false statement of fact herein may be a federal crime under Title 18 U.S.C. § 1001.

Date:

 13

Signature





Typed Name



Office or Title:

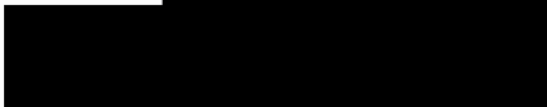
 Pun

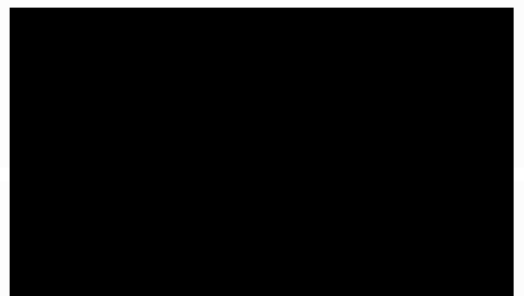
**SWORN AND SUBSCRIBED TO** before me

this  day of  2012

 At Notary Public in and for the State or

Territory of 







EPA REGION 4 - SECTION 1018 INSPECTION REPORT  
LEAD-BASED PAINT REAL ESTATE NOTIFICATION AND DISCLOSURE RULE

INSPECTION LOG No.: TSCAIV- [REDACTED] DATE: [REDACTED] ENTRY TIME: 12:30pm.  
REASON FOR INSPECTION: TSCA Notification [REDACTED] ☐ Tip/Complaint [REDACTED]  
INSPECTOR(S): (1) [REDACTED] (2) [REDACTED]

INSPECTION ENTRY/OPENING CONFERENCE (check):

- ☒ 1. Presented EPA credentials to person in charge and explained purpose and scope of inspection.  
Name: [REDACTED] Title: Property Mgr.  
☐ 2. Notice of Inspection (NOI) and Certification of Voluntary Consent signed by person in charge.  
☒ 3. Confidential Business Information (CBI) Notification provided.  
☒ 4. Denied entry/inspection terminated, or unable to gain entry to facility.

Reason: Mgr. State [REDACTED] is short handed as staff, would rather Request

Facility Representatives at Opening Conference (Name and Title):

FACILITY INFORMATION

Facility Name: [REDACTED] Phone No: [REDACTED]  
Facility Address: [REDACTED]  
City, State & Zip: [REDACTED] County: [REDACTED]  
Facility Type: ☐ Property Management Office (Dwelling Types: ☐ Single Family ☐ Multifamily)  
☒ Apartment Complex  
☐ Realty Office (☐ Sales ☐ Leases)  
☐ Other [REDACTED]

No. of Dwellings Leased [REDACTED] Est. No. of Dwellings Sold/Year [REDACTED] Year Built (if multifamily): [REDACTED]

Is any of the housing Section 8 or Public Housing? ☒ Yes ☐ No 4

Facility Owner: [REDACTED] Phone No.: [REDACTED]

Owner Address: [REDACTED]

Management Co.: [REDACTED] Phone No.: [REDACTED]

Management Co. Address: [REDACTED]

FILE REVIEW (Attach File Review Forms):

(Note: complete a minimum of 5 file reviews)

Number of agents in facility 1 Number of files reviewed 0 Number of agents reviewed [REDACTED]

TYPE OF LEAD PAMPHLETS

☐ None ☐ EPA "Protect Your Family From Lead In Your Home" ☐ Other [REDACTED]

POST-INSPECTION/CLOSING CONFERENCE

Facility Representative: [REDACTED] Title: Manager

Facility representative provided with copies of (check appropriate item(s)):

- ☐ 1. NOI ☒ 3. SBREFA Sheet ☒ 5. Section 1018 Information  
☐ 2. CBI Notification ☐ 4. Receipt for documents ☒ 6. TSCA 406b Information

INSPECTOR'S SIGNATURE: [REDACTED] DATE: [REDACTED] 12/2010



## SECTION 1018 INSPECTION COMMENTS

INSPECTION LOG No.: TSCAIV [REDACTED]

DATE: [REDACTED]

2010

INSPECTOR: [REDACTED]

FACILITY NAME: [REDACTED]

## COMMENTS

All brick, Two Story, grounds clean,  
 Condition rated as Fair, No major renovation reqd  
 in past 4 years, ~~No children's lead on premises~~

[REDACTED] spoke to [REDACTED]  
 who stated [REDACTED] will contact [REDACTED]  
 of the property to schedule a show cause  
 hearing. [REDACTED] will get back to me by  
 [REDACTED]  
 [REDACTED] recently show call  
 Manager [REDACTED] that property  
 owner [REDACTED] would like to  
 have a meeting on person at EPA Reg.  
 [REDACTED] confused with [REDACTED] that  
 owner of [REDACTED] could like  
 to come to EPA Reg. III Area for  
 show cause hearing.  
 [REDACTED] had said email to [REDACTED] that  
 [REDACTED] been granted for a show  
 cause hearing at Reg. III office.



RECEIPT FOR DOCUMENTS

1. INVESTIGATION IDENTIFICATION			2. COMPANY NAME
DATE [REDACTED] 10	INSPECTION NO.	DAILY SEQ. NO.	[REDACTED]
3. INSPECTOR ADDRESS U. S. EPA Region 4 AFC Tower, 12 <sup>th</sup> Floor Pesticides and Toxic Substances Branch 61 Forsyth St. SW Atlanta, GA 30303			4. COMPANY ADDRESS [REDACTED]

For internal EPA use. Copies of this form may be provided to recipient as acknowledgment of the documents described below collected in connection with the administration and enforcement of the Title X, Section 1018 Disclosure Rule.

RECEIPT OF DOCUMENT(S) DESCRIBED IS HEREBY ACKNOWLEDGED:

NO.	DESCRIPTION
(1)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input type="checkbox"/> Disclosure Document Description: [REDACTED]
(2)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input type="checkbox"/> Disclosure Document Description: B-01 [REDACTED]
(3)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input type="checkbox"/> Disclosure Document Description: C- [REDACTED]
(4)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input type="checkbox"/> Disclosure Document Description: B-01 [REDACTED]
(5)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input checked="" type="checkbox"/> Disclosure Document Description: [REDACTED] APPLICATION
(6)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input checked="" type="checkbox"/> Disclosure Document Description: 7-04 [REDACTED] APPLICATION
(7)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input type="checkbox"/> Disclosure Document Description: 6-02 [REDACTED] APPLICATION
(8)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input checked="" type="checkbox"/> Disclosure Document Description: [REDACTED] APPLICATION
(9)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input checked="" type="checkbox"/> Disclosure Document Description: [REDACTED] APPLICATION
(10)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input checked="" type="checkbox"/> Disclosure Document Description: [REDACTED] APPLICATION

OPTIONAL: DUPLICATE COPIES: REQUESTED AND PROVIDED <input type="checkbox"/> Not Requested <input type="checkbox"/>			
Inspector's SIGNATURE [REDACTED]		Recipient's Signature	
INSPECTOR'S NAME [REDACTED]		Print Name	
TITLE Lead Inspector	DATE SIGNED	Title	Date Signed





RECEIPT FOR DOCUMENTS

1. INVESTIGATION IDENTIFICATION

DATE

INSPECTION NO.

DAILY SEQ. NO.

1/10

2. COMPANY NAME

[REDACTED]

3. INSPECTOR ADDRESS

U. S. EPA Region 4  
AFC Tower, 12<sup>th</sup> Floor  
Pesticides and Toxic Substances Branch  
61 Forsyth St. SW  
Atlanta, GA 30303

4. COMPANY ADDRESS

[REDACTED]

For internal EPA use. Copies of this form may be provided to recipient as acknowledgment of the documents described below collected in connection with the administrative and enforcement of the Title X, Section 1018 Disclosure Rule.

RECEIPT OF DOCUMENT(S) DESCRIBED IS HEREBY ACKNOWLEDGED:

NO.	DESCRIPTION
(11)	Contract: [REDACTED] Description: [REDACTED]
(12)	Contract: [REDACTED] Description: [REDACTED]
(13)	Contract: [REDACTED] Description: [REDACTED]
(14)	Contract: [REDACTED] Description: [REDACTED]
(15)	Contract: [REDACTED] Description: [REDACTED]
(16)	Contract: [REDACTED] Description: [REDACTED]
(17)	Contract: [REDACTED] <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input type="checkbox"/> Disclosure Document Description: [REDACTED]
(18)	Contract: [REDACTED] <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input checked="" type="checkbox"/> Disclosure Document Description: [REDACTED]
(19)	Contract: [REDACTED] <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input type="checkbox"/> Disclosure Document Description: [REDACTED]
(20)	Contract: [REDACTED] <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input type="checkbox"/> Disclosure Document Description: [REDACTED]

OPTIONAL:

DUPLICATE COPIES: REQUESTED AND PROVIDED ☐  
Not Requested ☐

Inspector's SIGNATURE

Recipient's Signature

INSPECTOR'S NAME

Print Name

TITLE Lead Inspector

DATE SIGNED

Title

Date Signed

## SECTION 1018 FILE REVIEW SUMMARY

(2)

INSPECTION LOG NO. TSCAIV [REDACTED]

FILE REVIEW NUMBER: [REDACTED]

INSPECTOR [REDACTED] DATE: [REDACTED] 10

## HOUSING INFORMATION

Date Buyer/Lessee obligated under contract: [REDACTED] 2010

Buyer/Lessee: [REDACTED] Transaction: [REDACTED] Sale or Lease

Housing Address: [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Ages of Children Residing in the Housing (if known): [REDACTED] 010 [REDACTED]

Agent: [REDACTED] Owner/Lessor: [REDACTED]

DETERMINATION OF TARGET HOUSING	YES	NO
1. Residential housing built after 1978 (Year Built <u>1972</u> )?		✓
2. Is this a foreclosure sale?		✓
3. Is this leased housing certified to be free of lead-based paint?		✓
4. Is this a lease of 100 days or less?		✓
5. Is this a lease renewal in which the lessor previously disclosed?		✓
6. Is this a zero bedroom dwelling or housing for the elderly/disabled?		✓

## TYPE OF DISCLOSURE DOCUMENTATION

Date signed by buyer/lessee: [REDACTED] 109

None \_\_\_\_\_ Federal Register form 1 Other: [REDACTED]  
☒ Attached to Sales/Lease Contract \_\_\_\_\_ Within the Lease Contract

Does the Disclosure Documentation Include the Following:	YES	NO
1. Lead warning statement (wording and type size)		✓
2. Statement disclosing presence of known LBP or LBP hazards, or no knowledge		✓
3. List of LBP or LBP hazard records/reports or statement that none are available		✓
4. Statement by purchaser/lessee affirming receipt of record/reports and lead pamphlet		✓
5. Statement that agent has informed seller/lessor of their obligations (42 USC 4582d)		✓
6. Statement indicating agent is aware of duty to ensure compliance		✓
7. Dated signatures of sellers/lessors, agents & purchasers/lessees		✓
8.. SALES ONLY - Statement by purchaser affirming the opportunity to conduct a risk assessment or inspection or that the opportunity was waived		

## DOCUMENTS OBTAINED (Copies)

Sales/ 1 Lease Contract1 Disclosure DocumentContract: 1 Other: Appraisal

Doc # \_\_\_\_\_

Doc # \_\_\_\_\_

Doc # \_\_\_\_\_

COMMENTS: Renewal Contract submitted dated [REDACTED] 2010, No Current  
Disclosure form presented with document. Disclosure form dated  
[REDACTED] 09 Attached.  
[REDACTED] old reside in housing.

**SECTION 1018 FILE REVIEW SUMMARY**

8

INSPECTION LOG NO. TSCAIV- [REDACTED] FILE REVIEW NUMBER: [REDACTED]

INSPECTOR [REDACTED] DATE: [REDACTED] 10

HOUSING INFORMATION Date Buyer/Lessee obligated under contract: [REDACTED] 10

Buyer/Lessee: [REDACTED] Type of transaction: [REDACTED] Sale or Lease

Housing Address [REDACTED] City [REDACTED] State [REDACTED] Zip: [REDACTED]

Ages of Children Residing in the Housing (if known): NONE listed

Agent: [REDACTED] Owner/Lessor: [REDACTED]

DETERMINATION OF TARGET HOUSING	YES	NO
1. Residential housing built after 1978 (Year Built <u>1972</u> )?		<input checked="" type="checkbox"/>
2. Is this a foreclosure sale?		<input checked="" type="checkbox"/>
3. Is this leased housing certified to be free of lead-based paint?		<input checked="" type="checkbox"/>
4. Is this a lease of 100 days or less?		<input checked="" type="checkbox"/>
5. Is this a lease renewal in which the lessor previously disclosed?		<input checked="" type="checkbox"/>
6. Is this a zero bedroom dwelling or housing for the elderly/disabled?		<input checked="" type="checkbox"/>

TYPE OF DISCLOSURE DOCUMENTATION Date signed by buyer/lessee: [REDACTED] 09

None Federal Register form 1 Other: [REDACTED]

1 Attached to Sales/Lease Contract Within the Lease Contract

Does the Disclosure Documentation Include the Following:	YES	NO
1. Lead warning statement (wording and type size)		<input checked="" type="checkbox"/>
2. Statement disclosing presence of known LBP or LBP hazards, or no knowledge		<input checked="" type="checkbox"/>
3. List of LBP or LBP hazard records/reports or statement that none are available		<input checked="" type="checkbox"/>
4. Statement by purchaser/lessee affirming receipt of record/reports and lead pamphlet		<input checked="" type="checkbox"/>
5. Statement that agent has informed seller/lessor of their obligations (42 USC 4582d)		<input checked="" type="checkbox"/>
6. Statement indicating agent is aware of duty to ensure compliance		<input checked="" type="checkbox"/>
7. Dated signatures of sellers/lessors, agents & purchasers/lessees		<input checked="" type="checkbox"/>
8.. SALES ONLY - Statement by purchaser affirming the opportunity to conduct a risk assessment or inspection or that the opportunity was waived		

DOCUMENTS OBTAINED (Copies)

1 Sales/ 1 Lease Contract 1 Disclosure Document Contract: 1 Other: Application

Doc # [REDACTED] Doc # [REDACTED] Doc # [REDACTED]

COMMENTS: Disclosure form Not correct, last form dated

[REDACTED]



**SECTION 1018 FILE REVIEW SUMMARY**

9

INSPECTION LOG NO. TSCAIV [REDACTED] FILE REVIEW NUMBER: [REDACTED]

INSPECTOR [REDACTED] DATE: [REDACTED] 10

HOUSING INFORMATION Date Buyer/Lessee obligated under contract: [REDACTED] 10

Buyer/Lessee [REDACTED] Type of transaction: [REDACTED] Sale or ☒ Lease

Housing Address [REDACTED] City [REDACTED] State [REDACTED] Zip: [REDACTED]

Ages of Children Residing in the Housing (if known): NONE (5-5-2)

Agent: [REDACTED] Owner/Lessee: [REDACTED]

DETERMINATION OF TARGET HOUSING	YES	NO
1. Residential housing built after 1978 (Year Built <u>1972</u> )?		<input checked="" type="checkbox"/>
2. Is this a foreclosure sale?		<input checked="" type="checkbox"/>
3. Is this leased housing certified to be free of lead-based paint?		<input checked="" type="checkbox"/>
4. Is this a lease of 100 days or less?		<input checked="" type="checkbox"/>
5. Is this a lease renewal in which the lessor previously disclosed?		<input checked="" type="checkbox"/>
6. Is this a zero bedroom dwelling or housing for the elderly/disabled?		<input checked="" type="checkbox"/>

TYPE OF DISCLOSURE DOCUMENTATION Date signed by buyer/lessee: [REDACTED] 10/8

☐ None ☐ Federal Register form ☒ Other: [REDACTED]  
☒ Attached to Sales/Lease Contract ☐ Within the Lease Contract

Does the Disclosure Documentation Include the Following:	YES	NO
1. Lead warning statement (wording and type size)		<input checked="" type="checkbox"/>
2. Statement disclosing presence of known LBP or LBP hazards, or no knowledge		<input checked="" type="checkbox"/>
3. List of LBP or LBP hazard records/reports or statement that none are available		<input checked="" type="checkbox"/>
4. Statement by purchaser/lessee affirming receipt of record/reports and lead pamphlet		<input checked="" type="checkbox"/>
5. Statement that agent has informed seller/lessor of their obligations (42 USC 4582d)		<input checked="" type="checkbox"/>
6. Statement indicating agent is aware of duty to ensure compliance		<input checked="" type="checkbox"/>
7. Dated signatures of sellers/lessors, agents & purchasers/lessees		<input checked="" type="checkbox"/>
8.. SALES ONLY - Statement by purchaser affirming the opportunity to conduct a risk assessment or inspection or that the opportunity was waived		

DOCUMENTS OBTAINED (Copies)  
 \_\_\_\_\_ Sales/ 1 Lease Contract | 1 Disclosure Document | Contract: 1 Other: Application  
 Doc # \_\_\_\_\_ | Doc # \_\_\_\_\_ | Doc # \_\_\_\_\_

COMMENTS :

NO current disclosure form renewal lease date of [REDACTED] 10 last  
disclosure form dated [REDACTED] 08

**SECTION 1018 FILE REVIEW SUMMARY**

10

INSPECTION LOG NO. TSCAIV- [REDACTED] FILE REVIEW NUMBER: [REDACTED]

INSPECTOR [REDACTED] DATE: [REDACTED] 10

**HOUSING INFORMATION** Buyer/Lessee obligated under contract [REDACTED] 10

Buyer/Lessee: [REDACTED] Type of transaction: [REDACTED] Sale or ☒ Lease

Housing Address: [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Ages of Children Residing in the Housing (if known): [REDACTED]

Agent: [REDACTED] Owner/Lessor: [REDACTED]

DETERMINATION OF TARGET HOUSING	YES	NO
1. Residential housing built after 1978 (Year Built <u>1972</u> )?		<input checked="" type="checkbox"/>
2. Is this a foreclosure sale?		<input checked="" type="checkbox"/>
3. Is this leased housing certified to be free of lead-based paint?		<input checked="" type="checkbox"/>
4. Is this a lease of 100 days or less?		<input checked="" type="checkbox"/>
5. Is this a lease renewal in which the lessor previously disclosed?		<input checked="" type="checkbox"/>
6. Is this a zero bedroom dwelling or housing for the elderly/disabled?		<input checked="" type="checkbox"/>

**TYPE OF DISCLOSURE DOCUMENTATION** Date signed by buyer/lessee: [REDACTED] 09

☒ None ☐ Federal Register form ☐ Other: [REDACTED]  
☒ Attached to Sales/Lease Contract ☐ Within the Lease Contract

Does the Disclosure Documentation Include the Following:	YES	NO
1. Lead warning statement (wording and type size)		<input checked="" type="checkbox"/>
2. Statement disclosing presence of known LBP or LBP hazards, or no knowledge		<input checked="" type="checkbox"/>
3. List of LBP or LBP hazard records/reports or statement that none are available		<input checked="" type="checkbox"/>
4. Statement by purchaser/lessee affirming receipt of record/reports and lead pamphlet		<input checked="" type="checkbox"/>
5. Statement that agent has informed seller/lessor of their obligations (42 USC 4582d)		<input checked="" type="checkbox"/>
6. Statement indicating agent is aware of duty to ensure compliance		<input checked="" type="checkbox"/>
7. Dated signatures of sellers/lessors, agents & purchasers/lessees		<input checked="" type="checkbox"/>
8. SALES ONLY - Statement by purchaser affirming the opportunity to conduct a risk assessment or inspection or that the opportunity was waived		

**DOCUMENTS OBTAINED (Copies)**  
 Sales/ 1 Lease Contract | 1 Disclosure Document | Contract: 1 Other: Application  
 Doc # [REDACTED] | Doc # [REDACTED] | Doc # [REDACTED]

**COMMENTS:** Disclosure form not current dated [REDACTED] 09, lease renewal date [REDACTED] 10.



## SECTION 1018 FILE REVIEW SUMMARY

(11)

INSPECTION LOG NO. TSCAIV - [REDACTED]

FILE REVIEW NUMBER: [REDACTED]

INSPECTOR [REDACTED]

DATE: [REDACTED] 1/10

## HOUSING INFORMATION

Date Buyer/Lessee obligated under contract: [REDACTED] 1/10

Buyer/Lessee: [REDACTED]

Type of transaction:

Sale or

Lease

Housing Address: [REDACTED]

City: [REDACTED]

State: [REDACTED]

Zip: [REDACTED]

Ages of Children Residing in the Housing (if known):

None listed

Agent: [REDACTED]

Owner/Lessor: [REDACTED]

## DETERMINATION OF TARGET HOUSING

YES

NO

1. Residential housing built after 1978 (Year Built 1972)?

2. Is this a foreclosure sale?

3. Is this leased housing certified to be free of lead-based paint?

4. Is this a lease of 100 days or less?

5. Is this a lease renewal in which the lessor previously disclosed?

6. Is this a zero bedroom dwelling or housing for the elderly/disabled?

## TYPE OF DISCLOSURE DOCUMENTATION

Date signed by buyer/lessee [REDACTED] 1/09

None ☐ Federal Register form☒ Other: [REDACTED]☒

Attached to Sales/Lease Contract

☐ Within the Lease Contract

## Does the Disclosure Documentation Include the Following:

YES

NO

1. Lead warning statement (wording and type size)

2. Statement disclosing presence of known LBP or LBP hazards, or no knowledge

3. List of LBP or LBP hazard records/reports or statement that none are available

4. Statement by purchaser/lessee affirming receipt of record/reports and lead pamphlet

5. Statement that agent has informed seller/lessor of their obligations (42 USC 4582d)

6. Statement indicating agent is aware of duty to ensure compliance

7. Dated signatures of sellers/lessors, agents &amp; purchasers/lessees

8. SALES ONLY - Statement by purchaser affirming the opportunity to conduct a risk assessment or inspection or that the opportunity was waived

## DOCUMENTS OBTAINED (Copies)

☐ Sales/ ☒ Lease Contract☒

Disclosure Document

Contract: ☒ Other: Application

Doc # [REDACTED]

Doc # [REDACTED]

Doc # [REDACTED]

## COMMENTS:

Disclosure form Not Current, Lease renewal dated  
1/10, disclosure form dated [REDACTED] 09.



EPA REGION 4 - TSCA 402 INSPECTION REPORT  
LEAD-BASED PAINT TRAINING AND CERTIFICATION RULE  
CERTIFIED FIRM AUDIT

INSPECTION LOG No.: TSCAIV - [REDACTED]

TIME: 10:00 am

DATE: [REDACTED] 12/1 ENTRY

INSPECTION REASON: ☐ TSCA Neutral Scheme ☐ Tip/Complaint ☐ Other

INSPECTOR(S): (1) [REDACTED] (2) [REDACTED]

INSPECTION ENTRY/OPENING CONFERENCE (check):

- ☒ 1. Presented EPA credentials to person in charge and explained purpose and scope of inspection.  
Name: [REDACTED] Title: [REDACTED]  
☒ 2. Notice of Inspection (NOI) and Certification of Voluntary Consent signed by person in charge.  
☒ 3. Confidential Business Information (CBI) Notification provided.  
☐ 4. Denied entry/inspection terminated, or unable to gain entry to facility.  
Reason: [REDACTED]

Firm Representatives at Opening Conference (Name and Title): [REDACTED]

FIRM INFORMATION

Firm Name: [REDACTED]

Firm Address: [REDACTED]

City, State & Zip Code: [REDACTED]

Phone: [REDACTED]

County: [REDACTED]

ACTIVITIES CONDUCTED

- ☒ Lead-Based Paint Inspection  
☐ Lead-Based Paint Risk Assessment  
☐ Lead-Based Paint Hazard Screen  
☐ Lead-Based Paint Abatement  
☐ Lead-Based Paint Abatement Clearance Sampling

Number conducted in Past Three Years

[REDACTED]  
[REDACTED]  
[REDACTED]

FILES REVIEWED (Attach File Review Forms):

- ☐ Lead-Based Paint Inspection  
☐ Lead-Based Paint Risk Assessment  
☐ Lead-Based Paint Hazard Screen  
☐ Lead-Based Paint Abatement  
☐ Lead-Based Paint Abatement Clearance Sampling

Number Reviewed

[REDACTED]  
[REDACTED]  
[REDACTED]

☐ No Files Available for Review — Reason: [REDACTED]

POST-INSPECTION/CLOSING CONFERENCE

Firm Representative: [REDACTED]

Title: [REDACTED]

Firm representative provided with copies of (check appropriate item(s)):


- ☒ 1. NOI ☒ 3. SBREFA/SBQRG Sheets ☒ 5. Section 402 Information  
☒ 2. CBI Notification ☐ 6. TSCA 406b Information

INSPECTOR'S SIGNATURE [REDACTED]

DATE: [REDACTED] 12/1



NOTICE OF INSPECTION

1. INVESTIGATION IDENTIFICATION		3. FACILITY NAME
 <i>Don</i>	INSPECTION NO.	DAILY SEQ. NO.
2. INSPECTOR'S ADDRESS		4. FACILITY ADDRESS
EPA Region 4 Pesticides and Toxic Substances Branch 61 Forsyth St. SW Atlanta, GA 30303		

For Internal EPA Use. Copies may be provided to recipient as acknowledgment of this notice.

REASON FOR INSPECTION

☐ This inspection involves the review of records, files, papers, and shall include copies of Section 1018 Disclosure documents for residential real estate and/or lease transactions.

☐ In addition, this inspection extends to (check appropriate blocks):





- |   |   |
|---|---|
| <input checked="" type="checkbox"/> A. Financial data | <input type="checkbox"/> D. Personnel data        |
| <input type="checkbox"/> B. Sales data                | <input type="checkbox"/> E. Research data         |
| <input type="checkbox"/> C. Pricing data              | <input checked="" type="checkbox"/> F. Lease data |

The nature and extent of inspection of such data specified in A through F above is as follows:  
To determine compliance with the Title X, Section 1018 Disclosure Rule.

Certification of Voluntary Consent

I hereby certify that I have voluntarily consented to allow the representatives of EPA named below to review real estate notification and disclosure forms and any other documents relating to EPA's ability to determine compliance with Title X, Section 1018, and to allow the EPA representatives to make copies of these documents. These documents shall be used to determine compliance with the Title X, Section 1018 Disclosure Rule.

  *2011*

INSPE:		RECIPIENT'S NAME:	
NAME:		NAME:	 <i>2011</i>
TITLE:	Lead Program Inspector	TITLE:	
DATE SIGNED:		DATE SIGNED:	





TOXIC SUBSTANCES CONTROL ACT  
TSCA INSPECTION CONFIDENTIALITY NOTICE

1. INVESTIGATION IDENTIFICATION

DATE 2011 INSPECTION NO. DAILY SEQ. NO.

4. FACILITY NAME

2. INSPECTOR'S NAME

3. INSPECTOR'S ADDRESS

EPA Region 4  
Pesticides and Toxic Substances Branch  
61 Forsyth St. SW  
Atlanta, GA 30303

7. TITLE

Owner

For internal EPA use. Copies may be provided to recipient as acknowledgment of this notice.

TO ASSERT A TSCA CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during the inspection of the facility cited above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR, Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the EPA Administrator determines that the data is entitled to confidential treatment, or may be withheld from release under other exceptions of FOIA.

Any or all information collected by EPA during the inspection may be claimed as confidential if it relates to trade secrets, commercial, or financial matters that you consider to be confidential business information (CBI). If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of CBI. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information claimed as CBI.

A CBI claim may be asserted at any time prior to, during, or after the information is collected. This notice was developed by EPA to assist you in asserting a CBI claim. If it is more convenient for you to assert a CBI claim on your own stationery or by making the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this notice. The inspector will be glad to answer any questions you may have regarding EPA's CBI procedures.

While you may claim any collected information or sample as CBI, such claims are not likely to be upheld if they are challenged unless the information meets the following criteria:

1. Your company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures.

2. The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies), or by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
3. The information is not publicly available elsewhere.
4. Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is CBI.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your company within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive CBI treatment.

The statement from the Chief Executive Officer should be addressed to:

address in Section 3)

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this notice. Claims may be made at any time after the inspection, but the inspection data will not be entered into the TSCA/CBI security system until an official confidentiality claim is made. The data will be handled under EPA's routine security system unless and until a claim is made.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE  
I acknowledge receipt of this notice:

If there is no one on the premise who is authorized to make CBI claims for this facility, a copy of this notice and other inspection materials will be sent to the company's Chief Executive Officer. If there is another official who should also receive this information, please designate below.

SIGNATURE

NAME

NAME

TITLE

TITLE

RESIDENT

ADDRESS



RECEIPT FOR DOCUMENTS

1. INVESTIGATION IDENTIFICATION			2. COMPANY NAME
DATE	INSPECTION NO.	DAILY SEQ. NO.	
[Redacted] 1/20/11	[Redacted]		

3. INSPECTOR ADDRESS	4. COMPANY ADDRESS
U. S. EPA Region 4 AFC Tower, 12 <sup>th</sup> Floor Pesticides and Toxic Substances Branch 61 Forsyth St. SW Atlanta, GA 30303	[Redacted]

For internal EPA use. Copies of this form may be provided to recipient as acknowledgment of the documents described below collected in connection with the administration and enforcement of the Title X, Section 1018 Disclosure Rule.

RECEIPT OF DOCUMENT(S) DESCRIBED IS HEREBY ACKNOWLEDGED:

NO.	DESCRIPTION
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____

OPTIONAL: DUPLICATE COPIES: REQUESTED AND PROVIDED <input type="checkbox"/> Not Requested <input type="checkbox"/>	
--	--

Inspector's SIGNATURE	Recipient's Signature
-----------------------	-----------------------

INSPECTOR'S NAME [Redacted]	Print Name
--------------------------------	------------

TITLE Lead Inspector	DATE SIGNED	Title	Date Signed
----------------------	-------------	-------	-------------

# SECTION 1018 INSPECTION COMMENTS

INSPECTION LOG No.: TSCAIV - [REDACTED]

DATE: \_\_\_\_\_

INSPECTOR: [REDACTED]

FACILITY NAME: [REDACTED]

COMMENTS

2011

With [REDACTED]

Copy of the inspection plan, plan  
Copy of lead based paint test results  
[REDACTED] no lead in property.  
[REDACTED] stated work on the  
property [REDACTED] 2011 without a lead  
based paint test. [REDACTED]  
tested for lead [REDACTED] 11, 120  
[REDACTED] currently living at property.

# Violation Checklist - TSCA Section 1018 LEASE

Facility:

CSA:

VIOLATIONS		File Review No. From Inspection Report											
Level 1 - L8D	Seller, Lessor and Agent Requirement: Failure to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745.107(a)(1)												
Level 1 - L8D	Seller, Lessor and Agent Requirement: Failure to disclose to Purchaser or Lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing pursuant to 40 C.F.R. § 745.107(a)(2)												
Level 1 - L8D	Seller, Lessor and Agent Requirement: Failure to disclose to each Agent the presence of any known lead-based paint and/or lead-based paint hazards in the target housing and the existence of any available records or reports pertaining to lead-based paint pursuant to 40 C.F.R. § 745.107(a)(3)												
Level 1 - L8D	Seller, Lessor and Agent Requirement: Failure to provide to Purchaser or Lessee any records or reports available to the Seller or Lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing as cited 40 C.F.R. § 745.107(a)(4)												
Level 2 - L8I	Lessor and Agent Requirement: Failure to include as an attachment, or within the contract to lease target housing, the Lead Warning Statement pursuant to 40 C.F.R. § 745.113(b)(1)												
Level 3 - L8I	Lessor and Agent Requirement: Failure to include as an attachment or within the contract, a statement by the Lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards, or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards, pursuant to 40 C.F.R. § 745.113 (b)(2)												
Level 5 - L8I	Lessor and Agent Requirement: Failure to include as an attachment or within the contract, a list of any records or reports available to the Lessor that pertain to lead hazard information or the failure to indicate that no such list exists pursuant to 40 C.F.R. § 745.113(b)(3)												
Level 4 - L8I	Lessor and Agent Requirement: Failure to include in the contract for lease a statement by the Lessee affirming receipt of the information required by 40 C.F.R. § 745.113(b)(2) and (b)(3) and the lead hazard pamphlet required under 15 U.S.C. § 2686 as specified in 40 C.F.R. § 745.113(b)(4)												
Level 4 - L8I	Lessor and Agent Requirement: Failure to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to lease target housing that the Agent(s) has informed the Lessor of the Lessor's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(b)(5)												
Level 6 - L8I	Lessor and Agent Requirement: Failure to include in the contract for lease signatures of the Lessor, Agent and Lessee certifying to the accuracy of their statements, as well as dates, pursuant to 40 C.F.R. § 745.113(b)(6)												
Level 6 - L8R	Failure to retain a copy of the completed disclosure records for no less than three years from the completion date of the lease or sale pursuant to 40 C.F.R. § 745.113(c)(f).												

G:\Weadt1018\1018 Sample Docs\Inspection Forms\Violation Checklist Lease 10



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

2011

UNITED PARCEL SERVICE

Re: [REDACTED]  
Notice of Violation and Opportunity to Show Cause

Dear [REDACTED]

On [REDACTED] 009, an inspection was conducted by [REDACTED] an authorized agent of the United States Environmental Protection Agency (EPA), to determine compliance with the Lead-Based Paint Disclosure Rule of 1996. Based on the investigation, EPA alleges that your company is in violation of Section 1018 of the *Residential Lead-Based Paint Hazard Reduction Act of 1992*, codified at 42 United States Code (U.S.C.), 4851 *et seq.*, and the regulations promulgated at 40 Code of Federal Regulations (C.F.R.) Part 745, Subpart F (Lead-Based Paint Disclosure Rule). This letter explains the nature of these violations as we understand them, given the information currently available to us.

Although settlement discussions may take place at subsequent stages of the enforcement process, we are, by this letter, offering the opportunity to conduct settlement discussions prior to the filing of a Complaint. If agreement on a settlement can be reached, the settlement would be implemented through a Consent Agreement and Final Order (CAFO). Outlined below is a Summary of the Violations, and application of EPA's Enforcement Response and Penalty Policy (ERPP). A copy of the ERPP is enclosed.

**I. Summary of the Violations**

By failing to document compliance with the requirements of the Lead-Based Paint Disclosure Rule, EPA Region 4 has identified the following violations for each of the leases reviewed:

[REDACTED] dated [REDACTED] 2009.

1. Failure to include, in the contract as an attachment, a statement by the one or more Agents involved in the transaction to lease target housing that the Agent(s) has informed

the Lessor of the Lessor's obligations, and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(b) (5); and

2. Failure to include in the contract for lease the signatures of the Lessors, Agents, and Lessees, certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(b)(6).

[REDACTED] 2009,  
[REDACTED] 2009,  
[REDACTED] 2008, and  
[REDACTED] 2008.

1. Failure to include, as an attachment or within the contract, a list of any records or reports available to the Lessor that pertain to lead hazard information, or the failure to indicate that no such list exists, pursuant to 40 C.F.R. § 745.113(b)(3);
2. Failure to include, in the contract as an attachment, a statement by the one or more Agents involved in the transaction to lease target housing that the Agent(s) has informed the Lessor of the Lessor's obligations, and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(b) (5); and
3. Failure to include in the contract for lease the signatures of the Lessors, Agents, and Lessees, certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(b)(6).

[REDACTED] 2008,  
[REDACTED] 2008,  
[REDACTED] 2008, and  
[REDACTED] 08.

1. Failure to provide Lessee an EPA-approved lead hazard information/pamphlet, pursuant to 40 C.F.R. § 745.107(a) (1);
2. Failure to include, as an attachment or within the contract to lease target housing, the appropriate Lead Warning Statement, pursuant to 40 C.F.R. § 745.113(b)(1);

3. Failure to include, as an attachment or within the contract, a statement by the Lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards, or indicating no knowledge of the presence of lead-based paint and/or lead based paint hazards, pursuant to 40 C.F.R. § 745.113 (b)(2);
4. Failure to include, as an attachment or within the contract, a list of any records or reports available to the Lessor that pertain to lead hazard information, or the failure to indicate that no such list exists, pursuant to 40 C.F.R. § 745.113(b)(3);
5. Failure to include in the contract for lease a statement by the Lessee affirming receipt of the information required by 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard pamphlet required under 15 U.S.C. § 2696, as specified in 40 C.F.R. § 745.113(b)(4);
6. Failure to include, in the contract as an attachment, a statement by the one or more Agents involved in the transaction to lease target housing that the Agent(s) has informed the Lessor of the Lessor's obligations, and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(b) (5); and
7. Failure to include in the contract for lease the signatures of the Lessors, Agents, and Lessees, certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(b)(6).

## **II. Application of the Penalty Policy**

"The purpose of the ERPP is to provide predictable and consistent enforcement responses and penalty amounts for violation of Section 1018, yet retain flexibility to allow for individual facts and circumstances of a particular case." (ERPP, Page 1). EPA Region 4 follows the ERPP when settling TSCA enforcement actions in an effort to provide fair and equitable treatment of the regulated community. This is EPA's primary means for ensuring that similar violations receive similar treatment. Although, as the ERPP explains, there may be circumstances that warrant deviation from the ERPP, we must be able to explain and document any such deviations.

The ERPP directs us to calculate a penalty based on consideration of the four statutory penalty factors found in TSCA Section 16, 15 U.S.C. 2615: nature, circumstances, extent, and gravity of the violation(s). This is accomplished through a two-step process: (1) the determination of a "base penalty," and (2) allowing for applicable and appropriate adjustments.

### **A. Base Penalty Calculation**

For TSCA Section 409 violations, and pursuant to Section 1018 of the Lead-Based Paint Rule, a maximum penalty of \$16,000 can be assessed for each violation that occurred after January 12, 2009, according to the inflation adjustment penalty matrix found in the ERPP. This is based on the "nature" of

the violation(s), the "circumstances" of the violation(s), and the "extent" of harm that may result from a given violation.

- The term "nature" represents the essential character of the violation, and incorporates the concept of whether the violation is of a "chemical control," "control-associated data gathering" or "hazard assessment" nature. Additional information regarding "nature" can be found on Page 14 of the ERPP.
- The term "circumstance" represents the probability of harm resulting from a particular type of violation. Additional information regarding "circumstances" can be found on Page 15 of the ERPP.
- The term "extent" represents the degree, range, or scope of a violation's potential for harm. Additional information regarding "extent" can be found on Page 16 of the ERPP.

From these factors EPA calculated a base penalty of [REDACTED] on [REDACTED] releases with [REDACTED] violations.

#### **B. Adjustments to the Base Penalty**

In addition to the factors discussed above in Section A, Base Penalty Calculations, EPA shall also consider whether adjustments are warranted with respect to the violator for:

- 1) The degree of culpability;
- 2) Any history of prior such violations.

Degree of Culpability - This factor may be used to increase or decrease the gravity-based penalty. TSCA is a strict liability statute for civil actions, so that culpability is irrelevant to the determination of legal liability. However, this does not render the violator's culpability irrelevant in assessing an appropriate penalty. Knowing or willful violations generally reflect an increased culpability on the part of the violator and may even give rise to criminal liability. The culpability of the violator should be reflected in the amount of the penalty, which may be adjusted upward or downward by up to 25 percent.

Prior History of Violations - A prior history of violations of the PRE, RRP, or LBP Activities Rules should be reflected in the amount of the penalty. The gravity-based penalty matrices are designed to apply to "first offenders." Where a violator has demonstrated a similar history of "such violations," the Act requires the penalty to be adjusted upward by as much as 25 percent.



Consistent with the factors set forth in TSCA Section 16, the ERPP directs us to consider various factors relevant to the violator's situation. We believe the following "adjustment factors" described below may be applicable for downward adjustments or reductions to the \$ [REDACTED] base penalty.

In cases where a settlement is negotiated prior to a hearing, after other factors have been applied as appropriate, EPA may reduce the resulting adjusted proposed gravity-based penalty up to a total of 30 percent, but not more than the calculated economic benefit from non-compliance for attitude, if the circumstances warrant.

In addition to creating an incentive for cooperative behavior during the compliance evaluation and enforcement process, this adjustment factor further reinforces the concept that respondents face a significant risk of higher penalties in litigation than in settlement. The attitude adjustment has three components: cooperation, immediate steps taken to comply with the LBP rules, and early settlement:

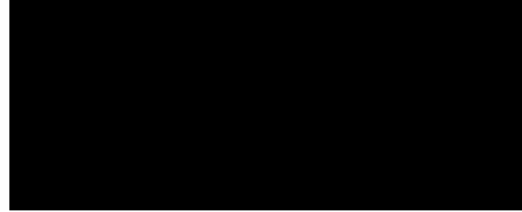
- EPA may reduce the adjusted proposed penalty up to 10 percent based on a Respondent's cooperation throughout the entire compliance monitoring, case development, and settlement process.
- EPA may reduce the adjusted proposed penalty up to 10 percent for a Respondent's immediate good faith efforts to comply with the violated regulation and the speed and completeness with which it comes into compliance.
- EPA may reduce the adjusted proposed penalty up to 10 percent if the case is settled before the filing of pre-hearing exchange documents.

One of the reasons for our decision to send this letter prior to filing a Complaint is to provide [REDACTED] with an opportunity to maximize this particular avenue for flexibility in the ERPP.

In presenting this analysis of the ERPP, we hope to provide a foundation for settlement discussions should [REDACTED] accept this invitation to enter into such a dialogue. Additionally, for settlement purposes only, we would consider reducing the proposed penalty of \$ [REDACTED] using any of the applicable adjustment factors previously stated.

Since your company may be classified as a small business, we have enclosed a copy of an Information Sheet titled "U.S. EPA Small Business Resources." This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act (SBREFA).

If [REDACTED] wishes to engage in settlement dialogue, we request that you contact either [REDACTED] at (404) [REDACTED] or [REDACTED] at (404) [REDACTED] within 14 days of receipt of this letter. You may also respond in writing with a specific settlement offer that is responsive to the ERPP and to EPA's settlement requirements as outlined in this letter.



Lead and Children's  
Health Section

Enclosures (2)

If [REDACTED] wishes to engage in settlement dialogue, we request that you contact either [REDACTED] at (404) [REDACTED] or [REDACTED] at (404) [REDACTED] within 14 days of receipt of this letter. You may also respond in writing with a specific settlement offer that is responsive to the ERPP and to EPA's settlement requirements as outlined in this letter.

Sincerely,

[REDACTED]

Lead and Children's  
Health Section

Enclosures (2)

**CONCURRENCES REMAIN VALID:**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Consistent with the factors set forth in TSCA Section 16, the ERPP directs us to consider various factors relevant to the violator's situation. We believe the following "adjustment factors" described below may be applicable for downward adjustments or reductions to the [REDACTED] base penalty.

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Prior History of Violations - A prior history of violations of the PRE, RRP, or LBP Activities Rules should be reflected in the amount of the penalty. The gravity-based penalty matrices are designed to apply to “first offenders.” Where a violator has demonstrated a similar history of “such violations,” the Act requires the penalty to be adjusted upward by as much as 25 percent.

3. Failure to include, as an attachment or within the contract, a statement by the Lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards, or indicating no knowledge of the presence of lead-based paint and/or lead based paint hazards, pursuant to 40 C.F.R. § 745.113 (b)(2);
4. Failure to include, as an attachment or within the contract, a list of any records or reports available to the Lessor that pertain to lead hazard information, or the failure to indicate that no such list exists, pursuant to 40 C.F.R. § 745.113(b)(3);
5. Failure to include in the contract for lease a statement by the Lessee affirming receipt of the information required by 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard pamphlet required under 15 U.S.C. § 2696, as specified in 40 C.F.R. § 745.113(b)(4);
6. Failure to include, in the contract as an attachment, a statement by the one or more Agents involved in the transaction to lease target housing that the Agent(s) has informed the Lessor of the Lessor's obligations, and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(b) (5); and
7. Failure to include in the contract for lease the signatures of the Lessors, Agents, and Lessees, certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(b)(6).

## **II. Application of the Penalty Policy**

"The purpose of the ERPP is to provide predictable and consistent enforcement responses and penalty amounts for violation of Section 1018, yet retain flexibility to allow for individual facts and circumstances of a particular case." (ERPP, Page 1). EPA Region 4 follows the ERPP when settling TSCA enforcement actions in an effort to provide fair and equitable treatment of the regulated community. This is EPA's primary means for ensuring that similar violations receive similar treatment. Although, as the ERPP explains, there may be circumstances that warrant deviation from the ERPP, we must be able to explain and document any such deviations.

The ERPP directs us to calculate a penalty based on consideration of the four statutory penalty factors found in TSCA Section 16, 15 U.S.C. 2615: nature, circumstances, extent, and gravity of the violation(s). This is accomplished through a two-step process: (1) the determination of a "base penalty," and (2) allowing for applicable and appropriate adjustments.

### **A. Base Penalty Calculation**

For TSCA Section 409 violations, and pursuant to Section 1018 of the Lead-Based Paint Rule, a maximum penalty of \$16,000 can be assessed for each violation that occurred after January 12, 2009, according to the inflation adjustment penalty matrix found in the ERPP. This is based on the "nature" of

the Lessor of the Lessor's obligations, and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(b) (5); and

2. Failure to include in the contract for lease the signatures of the Lessors, Agents, and Lessees, certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(b)(6).

[REDACTED] 09,  
[REDACTED] 2009,  
[REDACTED] 2008, and  
[REDACTED] 2008.

1. Failure to include, as an attachment or within the contract, a list of any records or reports available to the Lessor that pertain to lead hazard information, or the failure to indicate that no such list exists, pursuant to 40 C.F.R. § 745.113(b)(3);
2. Failure to include, in the contract as an attachment, a statement by the one or more Agents involved in the transaction to lease target housing that the Agent(s) has informed the Lessor of the Lessor's obligations, and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(b) (5); and
3. Failure to include in the contract for lease the signatures of the Lessors, Agents, and Lessees, certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(b)(6).

[REDACTED] 2008,  
[REDACTED] 2008,  
[REDACTED] 2008, and  
[REDACTED] 008.

1. Failure to provide Lessee an EPA-approved lead hazard information/pamphlet, pursuant to 40 C.F.R. § 745.107(a) (1);
2. Failure to include, as an attachment or within the contract to lease target housing, the appropriate Lead Warning Statement, pursuant to 40 C.F.R. § 745.113(b)(1);

UNITED PARCEL SERVICE

Re: [REDACTED]  
Notice of Violation and Opportunity to Show Cause

Dear [REDACTED]

On [REDACTED] 2009, an inspection was conducted by [REDACTED] an authorized agent of the United States Environmental Protection Agency (EPA), to determine compliance with the Lead-Based Paint Disclosure Rule of 1996. Based on the investigation, EPA alleges that your company is in violation of Section 1018 of the *Residential Lead-Based Paint Hazard Reduction Act of 1992*, codified at 42 United States Code (U.S.C.), 4851 *et seq.*, and the regulations promulgated at 40 Code of Federal Regulations (C.F.R.) Part 745, Subpart F (Lead-Based Paint Disclosure Rule). This letter explains the nature of these violations as we understand them, given the information currently available to us.

Although settlement discussions may take place at subsequent stages of the enforcement process, we are, by this letter, offering the opportunity to conduct settlement discussions prior to the filing of a Complaint. If agreement on a settlement can be reached, the settlement would be implemented through a Consent Agreement and Final Order (CAFO). Outlined below is a Summary of the Violations, and application of EPA's Enforcement Response and Penalty Policy (ERPP). A copy of the ERPP is enclosed.

**I. Summary of the Violations**

By failing to document compliance with the requirements of the Lead-Based Paint Disclosure Rule, EPA Region 4 has identified the following violations for each of the leases reviewed:

[REDACTED] 009.

1. Failure to include, in the contract as an attachment, a statement by the one or more Agents involved in the transaction to lease target housing that the Agent(s) has informed





**PESTICIDES & TOXIC  
SUBSTANCES BRANCH**  
Lead and Children's Health Section



Document:  
Respondent:

NOV & Opportunity to Show Cause Letter Section 1018

TSCA 10

Phone #:

**Routing Slip**

To:	Initials	Date
1. [REDACTED] Originator	[REDACTED]	[REDACTED]
2. Admin - (Review/Edit/Print/brown folder)	[REDACTED]	[REDACTED]
3. [REDACTED] - (Review/Concur)	[REDACTED]	[REDACTED]
4. [REDACTED] - (Signature )	[REDACTED]	[REDACTED]
5. Admin. - (Copying/Mailing UPS)		

**Notes:**

Check penalty amount - the capped penalty is higher than original proposed penalty. Has been corrected. [REDACTED]

**Remarks:**

[REDACTED] did bold, revised sentence, saved to [REDACTED]  
Revised penalty calculator worksheet. separated each lease. found  
[REDACTED] & reduced penalty by same. Revised to [REDACTED] to be reviewed

FROM:

EXT.:

**UPS CampusShip: View/Print Label**

1. **Print the label(s):** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

**3. GETTING YOUR SHIPMENT TO UPS****Customers without a Daily Pickup**

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.

Hand the package to any UPS driver in your area.

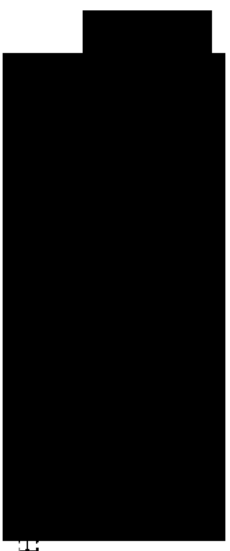
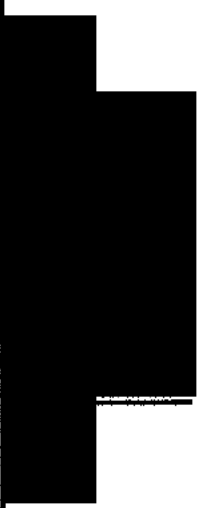


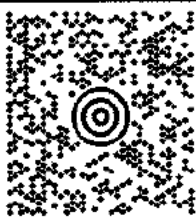


Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services<sup>SM</sup> (including via Ground) are also accepted at Drop Boxes.

To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

**Customers with a Daily Pickup**

Your driver will pickup your shipment(s) as usual.

FOLD HERE

0.0 LBS LTR	1 OF 1					
US EPA - REGION 4 61 FORSYTH ST SW ATLANTA GA 30303		SH			<b>UPS NEXT DAY AIR</b> 1 TRACKING #: 	
					BILLING: P/P	Reference # 1: Air
						CS 13.0 22



EPA REGION 4 - SECTION 1018 INSPECTION REPORT  
LEAD-BASED PAINT REAL ESTATE NOTIFICATION AND DISCLOSURE RULE

INSPECTION LOG No.: TSCAIV- [REDACTED] DATE: [REDACTED] ENTRY TIME: 12:30pm.  
REASON FOR INSPECTION: [REDACTED] ☐ Tip/Confidentiality [REDACTED]  
INSPECTOR(S): (1) [REDACTED] (2) [REDACTED]

INSPECTION ENTRY/OPENING CONFERENCE (check):

- ☒ 1. Presented EPA credentials to person in charge and explained purpose and scope of inspection.  
Name: [REDACTED] Title: Property Mgr.  
☐ 2. Notice of Inspection (NOI) and Certification of Voluntary Consent signed by person in charge.  
☒ 3. Confidential Business Information (CBI) Notification provided.  
☒ 4. Denied entry/inspection terminated, or unable to gain entry to facility.

Reason: Mgr. State [REDACTED] is short handed as staff, would rather Request

Facility Representatives at Opening Conference (Name and Title):

FACILITY INFORMATION

Facility Name: [REDACTED] Phone No: [REDACTED]  
Facility Address: [REDACTED]  
City, State & Zip: [REDACTED] County: [REDACTED]  
Facility Type: ☐ Property Management Office (Dwelling Types: ☐ Single Family ☐ Multifamily)  
☒ Apartment Complex  
☐ Realty Office (☐ Sales ☐ Leases)  
☐ Other

No. of Dwellings Leased [REDACTED] Est. No. of Dwellings Sold/Year [REDACTED] Year Built (if multifamily): [REDACTED]

Is any of the housing Section 8 or Public Housing? ☒ Yes ☐ No 4

Facility Owner: [REDACTED] Phone No.: [REDACTED]

Owner Address: [REDACTED]

Management Co.: [REDACTED] Phone No.: [REDACTED]

Management Co. Address: [REDACTED]

FILE REVIEW (Attach File Review Forms):

(Note: complete a minimum of 5 file reviews)

Number of agents in facility 1 Number of files reviewed 0 Number of agents reviewed [REDACTED]

TYPE OF LEAD PAMPHLETS

None EPA "Protect Your Family From Lead In Your Home" Other

POST-INSPECTION/CLOSING CONFERENCE

Facility Representative: [REDACTED] Title: Manager

Facility representative provided with copies of (check appropriate item(s)):

- ☐ 1. NOI ☒ 3. SBREFA Sheet ☒ 5. Section 1018 Information  
☐ 2. CBI Notification ☐ 4. Receipt for documents ☒ 6. TSCA 406b Information

INSPECTOR'S SIGNATURE: [REDACTED] DATE: [REDACTED] 12/2010

□

\_\_\_\_\_

2010

\_\_\_\_\_

---

All brick, Two Story, grounds clean,  
and rates as fair, No major renovation reqd  
4 years, ~~NO Children's Sand or swings~~

10 spoke to [redacted] who stated [redacted] will contact ownership of the property to schedule a Show Cause Hearing. Will get back to me by [redacted].

11 - [redacted] & [redacted] Show Cause Manager [redacted] that Property Owner [redacted] would like to have a meeting in person at EPA Reg. II Confined with [redacted] that Owner of [redacted] could like to come to EPA Reg. III Area for Show Cause Hearing.

12 Land email to [redacted] that [redacted] been granted for a Show Cause Hearing at Reg. III Office.



RECEIPT FOR DOCUMENTS

1. INVESTIGATION IDENTIFICATION			2. COMPANY NAME
DATE [REDACTED] 10	INSPECTION NO.	DAILY SEQ. NO.	[REDACTED]
3. INSPECTOR ADDRESS U. S. EPA Region 4 AFC Tower, 12 <sup>th</sup> Floor Pesticides and Toxic Substances Branch 61 Forsyth St. SW Atlanta, GA 30303			4. COMPANY ADDRESS [REDACTED]

For internal EPA use. Copies of this form may be provided to recipient as acknowledgment of the documents described below collected in connection with the administration and enforcement of the Title X, Section 1018 Disclosure Rule.

RECEIPT OF DOCUMENT(S) DESCRIBED IS HEREBY ACKNOWLEDGED:

NO.	DESCRIPTION
(1)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input type="checkbox"/> Disclosure Document <input type="checkbox"/> Other Description: [REDACTED]
(2)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input type="checkbox"/> Disclosure Document <input type="checkbox"/> Other Description: B-01 [REDACTED]
(3)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input type="checkbox"/> Disclosure Document <input type="checkbox"/> Other Description: C- [REDACTED]
(4)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input type="checkbox"/> Disclosure Document <input type="checkbox"/> Other Description: B-01 [REDACTED]
(5)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input checked="" type="checkbox"/> Disclosure Document <input type="checkbox"/> Other Description: [REDACTED] APPLICATION
(6)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input checked="" type="checkbox"/> Disclosure Document <input type="checkbox"/> Other Description: 7-04 [REDACTED] APPLICATION
(7)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input type="checkbox"/> Disclosure Document <input type="checkbox"/> Other Description: G-02 [REDACTED] APPLICATION
(8)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input checked="" type="checkbox"/> Disclosure Document <input type="checkbox"/> Other Description: [REDACTED] APPLICATION
(9)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input checked="" type="checkbox"/> Disclosure Document <input type="checkbox"/> Other Description: [REDACTED] APPLICATION
(10)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sales <input checked="" type="checkbox"/> Disclosure Document <input type="checkbox"/> Other Description: [REDACTED] APPLICATION

OPTIONAL: DUPLICATE COPIES: REQUESTED AND PROVIDED <input type="checkbox"/> Not Requested <input type="checkbox"/>			
Inspector's SIGNATURE		Recipient's Signature	
INSPECTOR'S NAME [REDACTED]		Print Name	
TITLE Lead Inspector	DATE SIGNED	Title	Date Signed



RECEIPT FOR DOCUMENTS

1. INVESTIGATION IDENTIFICATION

DATE

INSPECTION NO.

DAILY SEQ. NO.

2. COMPANY NAME

3. INSPECTOR ADDRESS

U. S. EPA Region 4  
AFC Tower, 12<sup>th</sup> Floor  
Pesticides and Toxic Substances Branch  
61 Forsyth St. SW  
Atlanta, GA 30303

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NO.	DESCRIPTION
(11)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sale <input type="checkbox"/> Disclosure Document Description: [REDACTED]
(12)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sale <input type="checkbox"/> Disclosure Document Description: [REDACTED]
(13)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sale <input type="checkbox"/> Disclosure Document Description: [REDACTED]
(14)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sale <input type="checkbox"/> Disclosure Document Description: [REDACTED]
(15)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sale <input type="checkbox"/> Disclosure Document Description: [REDACTED]
(16)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sale <input type="checkbox"/> Disclosure Document Description: [REDACTED]
(17)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sale <input type="checkbox"/> Disclosure Document Description: [REDACTED]
(18)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sale <input type="checkbox"/> Disclosure Document Description: [REDACTED]
(19)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sale <input type="checkbox"/> Disclosure Document Description: [REDACTED]
(20)	Contract: <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Sale <input type="checkbox"/> Disclosure Document Description: [REDACTED]

OPTIONAL:

DUPLICATE COPIES: REQUESTED AND PROVIDED ☐  
Not Requested ☐

Inspector's SIGNATURE

Recipient's Signature

INSPECTOR'S NAME

Print Name

TITLE Lead Inspector

DATE SIGNED

Title

Date Signed



EPA REGION 4 - TSCA 402 INSPECTION REPORT  
LEAD-BASED PAINT TRAINING AND CERTIFICATION RULE  
CERTIFIED FIRM AUDIT

INSPECTION LOG No.: TSCAIV - [REDACTED]  
TIME: 10:00 am

DATE: [REDACTED] 2/1 ENTRY

INSPECTION REASON: ☐ TSCA Neutral Scheme ☐ Tip/Complaint ☐ Other

INSPECTOR(S): (1) [REDACTED] (2)

INSPECTION ENTRY/OPENING CONFERENCE (check):

- ☒ 1. Presented EPA credentials to person in charge and explained purpose and scope of inspection.  
Name: [REDACTED] Title: [REDACTED]  
☒ 2. Notice of Inspection (NOI) and Certification of Voluntary Consent signed by person in charge.  
☒ 3. Confidential Business Information (CBI) Notification provided.  
☐ 4. Denied entry/inspection terminated, or unable to gain entry to facility.  
Reason: [REDACTED]

Firm Representatives at Opening Conference (Name and Title): [REDACTED]

FIRM INFORMATION

Firm Name: [REDACTED]  
Firm Address: [REDACTED] Phone: [REDACTED]  
City, State & Zip Code: [REDACTED] County: [REDACTED]

ACTIVITIES CONDUCTED

- ☒ Lead-Based Paint Inspection  
☐ Lead-Based Paint Risk Assessment  
☐ Lead-Based Paint Hazard Screen  
☐ Lead-Based Paint Abatement  
☐ Lead-Based Paint Abatement Clearance Sampling

Number conducted in Past Three Years

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FILES REVIEWED (Attach File Review Forms):

- ☐ Lead-Based Paint Inspection  
☐ Lead-Based Paint Risk Assessment  
☐ Lead-Based Paint Hazard Screen  
☐ Lead-Based Paint Abatement  
☐ Lead-Based Paint Abatement Clearance Sampling

Number Reviewed

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ No Files Available for Review — Reason: \_\_\_\_\_

POST-INSPECTION CLOSING CONFERENCE

Firm Representative: [REDACTED] Title: [REDACTED]

Firm representative provided with copies of (check appropriate item(s)):

- ☒ 1. NOI ☒ 3. SBREFA/SBQRG Sheets ☒ 5. Section 402 Information  
☒ 2. CBI Notification ☐ 4. [REDACTED] ☐ 6. TSCA 406b Information

INSPECTOR'S SIGNATURE: [REDACTED]

DATE: [REDACTED] 2/1





NOTICE OF INSPECTION

1. INVESTIGATION IDENTIFICATION

3. FACILITY NAME

INSPECTION NO.

DAILY SEQ. NO.

2. INSPECTOR'S ADDRESS

4. FACILITY ADDRESS

EPA Region 4  
Pesticides and Toxic Substances Branch  
61 Forsyth St. SW  
Atlanta, GA 30303

For Internal EPA Use. Copies may be provided to recipient as acknowledgment of this notice.

REASON FOR INSPECTION

☐ This inspection involves the review of records, files, papers, and shall include copies of Section 1018 Disclosure documents for residential real estate and/or lease transactions.

☐ In addition, this inspection extends to (check appropriate blocks):

☒ A. Financial data

☐ D. Personnel data

☐ B. Sales data

☐ E. Research data

☐ C. Pricing data

☒ F. Lease data

The nature and extent of inspection of such data specified in A through F above is as follows:  
To determine compliance with the Title X, Section 1018 Disclosure Rule.

Certification of Voluntary Consent

I hereby certify that I have voluntarily consented to allow the representatives of EPA named below to review real estate notification and disclosure forms and any other documents relating to EPA's ability to determine compliance with Title X, Section 1018, and to allow the EPA representatives to make copies of these documents. These documents shall be used to determine compliance with the Title X, Section 1018 Disclosure Rule.

[Redacted Signature]

[Redacted Date]

2011

INSPE

NAME

PE

NAME

TITLE

DATE SIGNED

TITLE

DATE SIGNED

Lead Program Inspector





TOXIC SUBSTANCES CONTROL ACT  
TSCA INSPECTION CONFIDENTIALITY NOTICE

1. INVESTIGATION IDENTIFICATION

DATE

INSPECTION NO.

DAILY SEQ. NO.

2. INSPECTOR'S NAME

3. INSPECTOR'S ADDRESS

EPA Region 4  
Pesticides and Toxic Substances Branch  
61 Forsyth St. SW  
Atlanta, GA 30303

4. FACILITY NAME

7. TITLE

For internal EPA use. Copies may be provided to recipient as acknowledgment of this notice.

TO ASSERT A TSCA CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during the inspection of the facility cited above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR, Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the EPA Administrator determines that the data is entitled to confidential treatment, or may be withheld from release under other exceptions of FOIA.

Any or all information collected by EPA during the inspection may be claimed as confidential if it relates to trade secrets, commercial, or financial matters that you consider to be confidential business information (CBI). If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of CBI. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information claimed as CBI.

A CBI claim may be asserted at any time prior to, during, or after the information is collected. This notice was developed by EPA to assist you in asserting a CBI claim. If it is more convenient for you to assert a CBI claim on your own stationery or by making the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this notice. The inspector will be glad to answer any questions you may have regarding EPA's CBI procedures.

While you may claim any collected information or sample as CBI, such claims are not likely to be upheld if they are challenged unless the information meets the following criteria:

1. Your company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures.

2. The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies), or by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
3. The information is not publicly available elsewhere.
4. Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is CBI.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your company within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive CBI treatment.

The statement from the Chief Executive Officer should be addressed to:

Address in Section 3)

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this notice. Claims may be made at any time after the inspection, but the inspection data will not be entered into the TSCA/CBI security system until an official confidentiality claim is made. The data will be handled under EPA's routine security system unless and until a claim is made.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE  
I acknowledge receipt of this notice:

If there is no one on the premise who is authorized to make CBI claims for this facility, a copy of this notice and other inspection materials will be sent to the company's Chief Executive Officer. If there is another official who should also receive this information, please designate below.

SIGNATURE

NAME

NAME

TITLE

TITLE

RESIDENT

ADDRESS



RECEIPT FOR DOCUMENTS

1. INVESTIGATION IDENTIFICATION			2. COMPANY NAME
DATE [REDACTED] 1/20/11	INSPECTION NO. [REDACTED]	DAILY SEQ. NO.	

3. INSPECTOR ADDRESS U. S. EPA Region 4 AFC Tower, 12 <sup>th</sup> Floor Pesticides and Toxic Substances Branch 61 Forsyth St. SW Atlanta, GA 30303	4. COMPANY ADDRESS [REDACTED]
---	----------------------------------

For internal EPA use. Copies of this form may be provided to recipient as acknowledgment of the documents described below collected in connection with the administration and enforcement of the Title X, Section 1018 Disclosure Rule.

RECEIPT OF DOCUMENT(S) DESCRIBED IS HEREBY ACKNOWLEDGED:

NO.	DESCRIPTION
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____
( )	Contract: <input type="checkbox"/> Lease <input type="checkbox"/> Sales; <input type="checkbox"/> Disclosure Document; <input type="checkbox"/> Other _____ Description: _____

OPTIONAL: DUPLICATE COPIES: REQUESTED AND PROVIDED <input type="checkbox"/> Not Requested <input type="checkbox"/>	
--	--

Inspector's SIGNATURE	Recipient's Signature
-----------------------	-----------------------

INSPECTOR'S NAME [REDACTED]	Print Name
--------------------------------	------------

TITLE Lead Inspector	DATE SIGNED	Title	Date Signed
----------------------	-------------	-------	-------------

SECTION 1018 INSPECTION COMMENTS

INSPECTION LOG No.: TSCAIV - [REDACTED]

DATE: \_\_\_\_\_

INSPECTOR: [REDACTED] FACILITY NAME: \_\_\_\_\_

COMMENTS 2011

With [REDACTED]  
[REDACTED]  
[REDACTED] Should  
Copy of the inspection please, please  
Copy of lead based paint results  
[REDACTED] no lead in property.  
[REDACTED] stated was on the  
property [REDACTED] 2011 without it  
lead based paint. [REDACTED]  
tested for lead [REDACTED]  
[REDACTED] currently living at property.

# Violation Checklist - TSCA Section 1018 LEASE

Facility:

CSA:

VIOLATIONS		File Review No. From Inspection Report											
Level 1 - L8D	Seller, Lessor and Agent Requirement: Failure to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C.F.R. § 745.107(a)(1)												
Level 1 - L8D	Seller, Lessor and Agent Requirement: Failure to disclose to Purchaser or Lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing pursuant to 40 C.F.R. § 745.107(a)(2)												
Level 1 - L8D	Seller, Lessor and Agent Requirement: Failure to disclose to each Agent the presence of any known lead-based paint and/or lead-based paint hazards in the target housing and the existence of any available records or reports pertaining to lead-based paint pursuant to 40 C.F.R. § 745.107(a)(3)												
Level 1 - L8D	Seller, Lessor and Agent Requirement: Failure to provide to Purchaser or Lessee any records or reports available to the Seller or Lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing as cited 40 C.F.R. § 745.107(a)(4)												
Level 2 - L8I	Lessor and Agent Requirement: Failure to include as an attachment, or within the contract to lease target housing, the Lead Warning Statement pursuant to 40 C.F.R. § 745.113(b)(1)												
Level 3 - L8I	Lessor and Agent Requirement: Failure to include as an attachment or within the contract, a statement by the Lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards, pursuant to 40 C.F.R. § 745.113 (b)(2)												
Level 5 - L8I	Lessor and Agent Requirement: Failure to include as an attachment or within the contract, a list of any records or reports available to the Lessor that pertain to lead hazard information or the failure to indicate that no such list exists pursuant to 40 C.F.R. § 745.113(b)(3)												
Level 4 - L8I	Lessor and Agent Requirement: Failure to include in the contract for lease a statement by the Lessee affirming receipt of the information required by 40 C.F.R. § 745.113(b)(2) and (b)(3) and the lead hazard pamphlet required under 15 U.S.C. § 2686 as specified in 40 C.F.R. § 745.113(b)(4)												
Level 4 - L8I	Lessor and Agent Requirement: Failure to include in the contract as an attachment, a statement by the one or more Agents involved in the transaction to lease target housing that the Agent(s) has informed the Lessor of the Lessor's obligations and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(b)(5)												
Level 6 - L8I	Lessor and Agent Requirement: Failure to include in the contract for lease signatures of the Lessor, Agent and Lessee certifying to the accuracy of their statements, as well as dates, pursuant to 40 C.F.R. § 745.113(b)(6)												
Level 6 - L8R	Failure to retain a copy of the completed disclosure records for no less than three years from the completion date of the lease or sale pursuant to 40 C.F.R. § 745.113(c)(4).												

G:\Weadt1018\1018 Sample Docs\Inspection Forms\Violation Checklist Lease 10

Programatic ID

✓16

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3.

✓21

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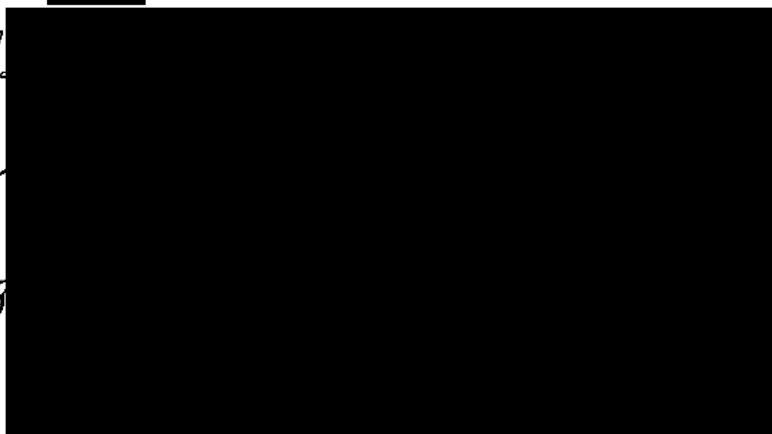
15.



16.



✓ 17.



18

19



## SECTION 1018 FILE REVIEW SUMMARY

(2)

INSPECTION LOG NO. TSCAIV [REDACTED]

FILE REVIEW NUMBER: [REDACTED]

INSPECTOR [REDACTED] DATE: [REDACTED] 10

## HOUSING INFORMATION

Date Buyer/Lessee obligated under contract: [REDACTED] 2010

Buyer/Lessee: [REDACTED] Transaction: [REDACTED] Sale or [REDACTED] Lease

Housing Address: [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Ages of Children Residing in the Housing (if known): [REDACTED] 010 [REDACTED]

Agent: [REDACTED] Owner/Lessor: [REDACTED]

DETERMINATION OF TARGET HOUSING	YES	NO
1. Residential housing built after 1978 (Year Built <u>1972</u> )?		<input checked="" type="checkbox"/>
2. Is this a foreclosure sale?		<input checked="" type="checkbox"/>
3. Is this leased housing certified to be free of lead-based paint?		<input checked="" type="checkbox"/>
4. Is this a lease of 100 days or less?		<input checked="" type="checkbox"/>
5. Is this a lease renewal in which the lessor previously disclosed?		<input checked="" type="checkbox"/>
6. Is this a zero bedroom dwelling or housing for the elderly/disabled?		<input checked="" type="checkbox"/>

## TYPE OF DISCLOSURE DOCUMENTATION

Date signed by buyer/lessee: [REDACTED] 109

None ☐ Federal Register form ☒ Other: [REDACTED]  
☒ Attached to Sales/Lease Contract ☐ Within the Lease Contract

Does the Disclosure Documentation Include the Following:	YES	NO
1. Lead warning statement (wording and type size)		<input checked="" type="checkbox"/>
2. Statement disclosing presence of known LBP or LBP hazards, or no knowledge		<input checked="" type="checkbox"/>
3. List of LBP or LBP hazard records/reports or statement that none are available		<input checked="" type="checkbox"/>
4. Statement by purchaser/lessee affirming receipt of record/reports and lead pamphlet		<input checked="" type="checkbox"/>
5. Statement that agent has informed seller/lessor of their obligations (42 USC 4582d)		<input checked="" type="checkbox"/>
6. Statement indicating agent is aware of duty to ensure compliance		<input checked="" type="checkbox"/>
7. Dated signatures of sellers/lessors, agents & purchasers/lessees		<input checked="" type="checkbox"/>
8.. SALES ONLY - Statement by purchaser affirming the opportunity to conduct a risk assessment or inspection or that the opportunity was waived		

## DOCUMENTS OBTAINED (Copies)

Sales/ 1 Lease Contract1 Disclosure DocumentContract: 1 Other: Appraisal

Doc # [REDACTED]

Doc # [REDACTED]

Doc # [REDACTED]

COMMENTS: Renewal Contract submitted dated [REDACTED] 2010, No current  
disclosure form presented with document. Disclosure form dated  
[REDACTED] 09 Attached.  
[REDACTED] old reside in housing.

**SECTION 1018 FILE REVIEW SUMMARY**

8

INSPECTION LOG NO. TSCAIV- [REDACTED] FILE REVIEW NUMBER: [REDACTED]

INSPECTOR [REDACTED] DATE: [REDACTED] 10

**HOUSING INFORMATION**

Date Buyer/Lessee obligated under contract: [REDACTED] 10

Buyer/Lessee: [REDACTED] Type of transaction: [REDACTED] Sale or ☒ Lease

Housing Address: [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Ages of Children Residing in the Housing (if known): NONE listed

Agent: [REDACTED] Owner/Lessor: [REDACTED]

DETERMINATION OF TARGET HOUSING	YES	NO
1. Residential housing built after 1978 (Year Built <u>1972</u> )?		<input checked="" type="checkbox"/>
2. Is this a foreclosure sale?		<input checked="" type="checkbox"/>
3. Is this leased housing certified to be free of lead-based paint?		<input checked="" type="checkbox"/>
4. Is this a lease of 100 days or less?		<input checked="" type="checkbox"/>
5. Is this a lease renewal in which the lessor previously disclosed?		<input checked="" type="checkbox"/>
6. Is this a zero bedroom dwelling or housing for the elderly/disabled?		<input checked="" type="checkbox"/>

**TYPE OF DISCLOSURE DOCUMENTATION**

Date signed by buyer/lessee: [REDACTED] 09

☐ None ☐ Federal Register form ☒ Other: [REDACTED]

☒ Attached to Sales/Lease Contract ☐ Within the Lease Contract

Does the Disclosure Documentation Include the Following:	YES	NO
1. Lead warning statement (wording and type size)		<input checked="" type="checkbox"/>
2. Statement disclosing presence of known LBP or LBP hazards, or no knowledge		<input checked="" type="checkbox"/>
3. List of LBP or LBP hazard records/reports or statement that none are available		<input checked="" type="checkbox"/>
4. Statement by purchaser/lessee affirming receipt of record/reports and lead pamphlet		<input checked="" type="checkbox"/>
5. Statement that agent has informed seller/lessor of their obligations (42 USC 4582d)		<input checked="" type="checkbox"/>
6. Statement indicating agent is aware of duty to ensure compliance		<input checked="" type="checkbox"/>
7. Dated signatures of sellers/lessors, agents & purchasers/lessees		<input checked="" type="checkbox"/>
8.. SALES ONLY - Statement by purchaser affirming the opportunity to conduct a risk assessment or inspection or that the opportunity was waived		

**DOCUMENTS OBTAINED (Copies)**

☐ Sales/ ☒ Lease Contract ☒ Disclosure Document Contract: ☒ Other: Application

Doc # [REDACTED] Doc # [REDACTED] Doc # [REDACTED]

COMMENTS: Disclosure form Not correct, last form dated

[REDACTED]



## SECTION 1018 FILE REVIEW SUMMARY

(9)

INSPECTION LOG NO. TSCAIV [REDACTED]

FILE REVIEW NUMBER: [REDACTED]

INSPECTOR [REDACTED]

DATE: [REDACTED] 10

## HOUSING INFORMATION

Date Buyer/Lessee obligated under contract: [REDACTED] 10

Buyer/Lessee [REDACTED] Type of transaction: [REDACTED] Sale or ☒ Lease

Housing Address [REDACTED] City [REDACTED] State [REDACTED] Zip: [REDACTED]

Ages of Children Residing in the Housing (if known): NONE (5-12)

Agent: [REDACTED] Owner/Lessee [REDACTED]

## DETERMINATION OF TARGET HOUSING

	YES	NO
1. Residential housing built after 1978 (Year Built <u>1972</u> )?		<input checked="" type="checkbox"/>
2. Is this a foreclosure sale?		<input checked="" type="checkbox"/>
3. Is this leased housing certified to be free of lead-based paint?		<input checked="" type="checkbox"/>
4. Is this a lease of 100 days or less?		<input checked="" type="checkbox"/>
5. Is this a lease renewal in which the lessor previously disclosed?		<input checked="" type="checkbox"/>
6. Is this a zero bedroom dwelling or housing for the elderly/disabled?		<input checked="" type="checkbox"/>

## TYPE OF DISCLOSURE DOCUMENTATION

Date signed by buyer/lessee: [REDACTED] 08

☐ None ☐ Federal Register form ☒ Other: [REDACTED]  
☒ Attached to Sales/Lease Contract ☐ Within the Lease Contract

Does the Disclosure Documentation Include the Following:	YES	NO
1. Lead warning statement (wording and type size)		<input checked="" type="checkbox"/>
2. Statement disclosing presence of known LBP or LBP hazards, or no knowledge		<input checked="" type="checkbox"/>
3. List of LBP or LBP hazard records/reports or statement that none are available		<input checked="" type="checkbox"/>
4. Statement by purchaser/lessee affirming receipt of record/reports and lead pamphlet		<input checked="" type="checkbox"/>
5. Statement that agent has informed seller/lessor of their obligations (42 USC 4582d)		<input checked="" type="checkbox"/>
6. Statement indicating agent is aware of duty to ensure compliance		<input checked="" type="checkbox"/>
7. Dated signatures of sellers/lessors, agents & purchasers/lessees		<input checked="" type="checkbox"/>
8.. SALES ONLY - Statement by purchaser affirming the opportunity to conduct a risk assessment or inspection or that the opportunity was waived		

## DOCUMENTS OBTAINED (Copies)

☐ Sales/ ☒ Lease Contract☒ Disclosure DocumentContract: ☒ Other: Application

Doc # [REDACTED]

Doc # [REDACTED]

Doc # [REDACTED]

## COMMENTS:

NO current disclosure form, renewal lease date of [REDACTED] 10 last disclosure form dated [REDACTED] 08

**SECTION 1018 FILE REVIEW SUMMARY**

10

INSPECTION LOG NO. TSCAIV- [REDACTED] FILE REVIEW NUMBER: [REDACTED]

INSPECTOR [REDACTED] DATE: [REDACTED] 10

**HOUSING INFORMATION** Date Buyer/Lessee obligated under contract [REDACTED] 10  
 Buyer/Lessee: [REDACTED] Type of transaction: [REDACTED] Sale or ☒ Lease  
 Housing Address: [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]  
 Ages of Children Residing in the Housing (if known): [REDACTED]  
 Agent: [REDACTED] Owner/Lessor: [REDACTED]

DETERMINATION OF TARGET HOUSING	YES	NO
1. Residential housing built after 1978 (Year Built <u>1972</u> )?		<input checked="" type="checkbox"/>
2. Is this a foreclosure sale?		<input checked="" type="checkbox"/>
3. Is this leased housing certified to be free of lead-based paint?		<input checked="" type="checkbox"/>
4. Is this a lease of 100 days or less?		<input checked="" type="checkbox"/>
5. Is this a lease renewal in which the lessor previously disclosed?		<input checked="" type="checkbox"/>
6. Is this a zero bedroom dwelling or housing for the elderly/disabled?		<input checked="" type="checkbox"/>

**TYPE OF DISCLOSURE DOCUMENTATION** Date signed by buyer/lessee: [REDACTED] 09  
☒ None ☐ Federal Register form ☐ Other: [REDACTED]  
☒ Attached to Sales/Lease Contract ☐ Within the Lease Contract

Does the Disclosure Documentation Include the Following:	YES	NO
1. Lead warning statement (wording and type size)		<input checked="" type="checkbox"/>
2. Statement disclosing presence of known LBP or LBP hazards, or no knowledge		<input checked="" type="checkbox"/>
3. List of LBP or LBP hazard records/reports or statement that none are available		<input checked="" type="checkbox"/>
4. Statement by purchaser/lessee affirming receipt of record/reports and lead pamphlet		<input checked="" type="checkbox"/>
5. Statement that agent has informed seller/lessor of their obligations (42 USC 4582d)		<input checked="" type="checkbox"/>
6. Statement indicating agent is aware of duty to ensure compliance		<input checked="" type="checkbox"/>
7. Dated signatures of sellers/lessors, agents & purchasers/lessees		<input checked="" type="checkbox"/>
8. SALES ONLY - Statement by purchaser affirming the opportunity to conduct a risk assessment or inspection or that the opportunity was waived		

**DOCUMENTS OBTAINED (Copies)**  
 Sales/ 1 Lease Contract | 1 Disclosure Document | Contract: 1 Other: Application  
 Doc # [REDACTED] | Doc # [REDACTED] | Doc # [REDACTED]

**COMMENTS:** Disclosure form not current dated [REDACTED] 09, lease renewal date [REDACTED] 10.



**SECTION 1018 FILE REVIEW SUMMARY**

(11)

INSPECTION LOG NO. TSCAIV - [REDACTED] FILE REVIEW NUMBER: [REDACTED]

INSPECTOR [REDACTED] DATE: [REDACTED] 10

**HOUSING INFORMATION** Date Buyer/Lessee obligated under contract: [REDACTED] 10  
 Buyer/Lessee: [REDACTED] Type of transaction: [REDACTED] Sale or ☒ Lease  
 Housing Address: [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]  
 Ages of Children Residing in the Housing (if known): NONE listed  
 Agent: [REDACTED] Owner/Lessor: [REDACTED]

DETERMINATION OF TARGET HOUSING	YES	NO
1. Residential housing built after 1978 (Year Built <u>1972</u> )?		<input checked="" type="checkbox"/>
2. Is this a foreclosure sale?		<input checked="" type="checkbox"/>
3. Is this leased housing certified to be free of lead-based paint?		<input checked="" type="checkbox"/>
4. Is this a lease of 100 days or less?		<input checked="" type="checkbox"/>
5. Is this a lease renewal in which the lessor previously disclosed?		<input checked="" type="checkbox"/>
6. Is this a zero bedroom dwelling or housing for the elderly/disabled?		<input checked="" type="checkbox"/>

**TYPE OF DISCLOSURE DOCUMENTATION** Date signed by buyer/lessee [REDACTED] 09  
☒ None ☐ Federal Register form ☒ Other: [REDACTED]  
☒ Attached to Sales/Lease Contract ☐ Within the Lease Contract

Does the Disclosure Documentation Include the Following:	YES	NO
1. Lead warning statement (wording and type size)		<input checked="" type="checkbox"/>
2. Statement disclosing presence of known LBP or LBP hazards, or no knowledge		<input checked="" type="checkbox"/>
3. List of LBP or LBP hazard records/reports or statement that none are available		<input checked="" type="checkbox"/>
4. Statement by purchaser/lessee affirming receipt of record/reports and lead pamphlet		<input checked="" type="checkbox"/>
5. Statement that agent has informed seller/lessor of their obligations (42 USC 4582d)		<input checked="" type="checkbox"/>
6. Statement indicating agent is aware of duty to ensure compliance		<input checked="" type="checkbox"/>
7. Dated signatures of sellers/lessors, agents & purchasers/lessees		<input checked="" type="checkbox"/>
8.. SALES ONLY - Statement by purchaser affirming the opportunity to conduct a risk assessment or inspection or that the opportunity was waived		

**DOCUMENTS OBTAINED (Copies)**  
 Sales/ 1 Lease Contract ☒ Disclosure Document Contract: ☒ Other: Application  
 Doc # \_\_\_\_\_ Doc # \_\_\_\_\_ Doc # \_\_\_\_\_

**COMMENTS:** Disclosure form Not Current, Lease renewal dated  
10, disclosure form dated [REDACTED] 09.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960  
JUL 22 2011

UNITED PARCEL SERVICE

Re: [REDACTED]  
Notice of Violation and Opportunity to Show Cause

Dear [REDACTED]

On [REDACTED] 2011, an inspection was conducted by [REDACTED] an authorized agent of the U.S. Environmental Protection Agency, to determine compliance with the Lead-Based Paint Disclosure Rule of 1996. Based on the investigation, the EPA alleges that your company is in violation of Section 1018 of the *Residential Lead-Based Paint Hazard Reduction Act of 1992*, codified at 42 United States Code (U.S.C.) 4851 *et seq.*, and the regulations promulgated at 40 Code of Federal Regulations (C.F.R.) Part 745, Subpart F (Lead-Based Paint Disclosure Rule). This letter explains the nature of these violations as we understand them, given the information currently available to us.

Although settlement discussions may take place at subsequent stages of the enforcement process, we are, by this letter, offering the opportunity to conduct settlement discussions prior to the filing of a Complaint. If agreement on a settlement can be reached, the settlement would be implemented through a Consent Agreement and Final Order (CAFO). Outlined below is a Summary of the Violations, and application of the EPA's Enforcement Response and Penalty Policy (ERPP). For your information a copy of the ERPP is enclosed, together with Appendix B – "Gravity-Based Penalty Matrix." The Numbered List of Disclosure Rule Violations for Leases with the appropriate citation for each numbered violation is also enclosed.

**I. Summary of the Violations**

By failing to document compliance with the requirements of the Lead-Based Paint Disclosure Rule, the EPA Region 4 has identified the following violations from the Numbered List for each lease listed below:

[REDACTED] 1;  
2011;  
1;  
1; and  
2011.

Violations # 9.

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)



1;  
;  
010; and  
2010.

Violations # 1, 8 and 9.

2010.

Violations # 1 and 8.

2010.

Violations # 2, 3, 4, 6, 7 and 9.

## II. Application of the Penalty Policy

"The purpose of the ERPP is to provide predictable and consistent enforcement responses and penalty amounts for violation of Section 1018, yet retain flexibility to allow for individual facts and circumstances of a particular case." (ERPP, Page 1). The EPA Region 4 follows the ERPP when settling Toxic Substances Control Act (TSCA) enforcement actions in an effort to provide fair and equitable treatment of the regulated community. This is the EPA's primary means for ensuring that similar violations receive similar treatment. Although, as the ERPP explains, there may be circumstances that warrant deviation from the ERPP, we must be able to explain and document any such deviations.

### A. Base Penalty Calculation

When calculating a penalty using the ERPP, the four statutory penalty factors found in TSCA Section 16, 15 U.S.C. 2615: nature, circumstances, extent, and gravity of the violation(s) are considered. This is accomplished through a two-step process: (1) the determination of a "base penalty," and (2) allowing for applicable and appropriate adjustments.

For TSCA Section 409 violations, and pursuant to Section 1018 of the Lead-Based Paint Rule and the ERPP, Appendix B (the inflation adjustment penalty matrix), a maximum penalty of \$16,000 can be assessed for each violation that occurred after January 12, 2009.

- The term "nature" represents the essential character of the violation, and incorporates the concept of whether the violation is of a "chemical control," "control-associated data gathering" or "hazard assessment" nature. Additional information regarding "nature" can be found on Page 11 of the ERPP.
- The term "circumstance" represents the probability of harm resulting from a particular type of violation. Additional information regarding "circumstances" can be found on Page 12 of the ERPP.

- The term "extent" represents the degree, range, or scope of a violation's potential for harm. Additional information regarding "extent" can be found on Pages 12 and 13 of the ERPP.

Considering these factors the EPA calculated a base penalty of [REDACTED] on [REDACTED] leases with [REDACTED] violations.

#### **B. Adjustments to the Base Penalty**

In addition to the factors discussed above in Section A, Base Penalty Calculations, the EPA shall also consider whether adjustments are warranted with respect to the violator for:

- (1) The degree of culpability; and
- (2) Any history of prior such violations.

Degree of Culpability - This factor may be used to increase the gravity-based penalty. TSCA is a strict liability statute for civil actions, so that culpability is irrelevant to the determination of legal liability. However, this does not render the violator's culpability irrelevant in assessing an appropriate penalty. Knowing or willful violations generally reflect an increased culpability on the part of the violator and may even give rise to criminal liability. The culpability of the violator should be reflected in the amount of the penalty, which may be adjusted upward by up to 25 percent.

Prior History of Violations - A prior history of violations of the Pre Renovation Education, Renovation, Repair and Painting, or Lead-Based Paint Activities Rules should be reflected in the amount of the penalty. The gravity-based penalty matrices are designed to apply to "first offenders." Where a violator has demonstrated a similar history of "such violations," the Act requires the penalty to be adjusted upward by as much as 25 percent.

Consistent with the factors set forth in TSCA Section 16, the ERPP directs us to consider various factors relevant to the violator's situation. We believe the following "adjustment factors" described below may be applicable for downward adjustments or reductions to the [REDACTED] base penalty.

In cases where a settlement is negotiated prior to a hearing, after other factors have been applied as appropriate, the EPA may reduce the resulting adjusted proposed gravity-based penalty up to a total of 30 percent, but not more than the calculated economic benefit from non-compliance for attitude, if the circumstances warrant.

In addition to creating an incentive for cooperative behavior during the compliance evaluation and enforcement process, this adjustment factor further reinforces the concept that Respondents face a significant risk of higher penalties in litigation than in settlement. The attitude adjustment has three components: cooperation, immediate steps taken to comply with the LBP rules, and early settlement:



- The EPA may reduce the adjusted proposed penalty up to 10 percent based on a Respondent's cooperation throughout the entire compliance monitoring, case development, and settlement process.
- The EPA may reduce the adjusted proposed penalty up to 10 percent for a Respondent's immediate good faith efforts to comply with the violated regulation and the speed and completeness with which it comes into compliance.
- The EPA may reduce the adjusted proposed penalty up to 10 percent if the case is settled before the filing of pre-hearing exchange documents.

One of the reasons for our decision to send this letter prior to filing a Complaint is to provide [REDACTED] with an opportunity to maximize this particular avenue for flexibility in the ERPP.

In presenting this analysis of the ERPP, we hope to provide a foundation for settlement discussions should [REDACTED] accept this invitation to enter into such a dialogue. Additionally, for settlement purposes only, we may consider reducing the proposed penalty of [REDACTED] using any of the applicable adjustment factors previously stated.

Since your company may be classified as a small business, we have enclosed a copy of an Information Sheet titled "U.S. EPA Small Business Resources." This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act (SBREFA).

If [REDACTED] wishes to engage in settlement dialogue, we request that you contact [REDACTED] at (404) [REDACTED] within 14 days of receipt of this letter. You may also respond in writing with a specific settlement offer that is responsive to the ERPP and to the EPA's settlement requirements as outlined in this letter.

Sincerely,

[REDACTED]  
Lead and Children's  
Health Section

Enclosures (2)

## Numbered List of Disclosure Rule Violations for Leases

1. Failure to provide Lessee an EPA-approved lead hazard information/pamphlet, pursuant to 40 C.F.R. § 745.107(a)(1);
2. Failure to disclose to Lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, pursuant to 40 C.F.R. § 745.107(a)(2);
3. Failure to disclose to each Agent the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, and the existence of any available records or reports pertaining to lead-based paint, pursuant to 40 C.F.R. § 745.107(a)(3);
4. Failure to provide Lessee any records or reports available to the Lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing, as cited at 40 C.F.R. § 745.107(a)(4);
5. Failure to include, as an attachment or within the contract to lease target housing, the appropriate Lead Warning Statement, pursuant to 40 C.F.R. § 745.113(b)(1);
6. Failure to include, as an attachment or within the contract, a statement by the Lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards, or indicating no knowledge of the presence of lead-based paint and/or lead based paint hazards, pursuant to 40 C.F.R. § 745.113(b)(2);
7. Failure to include, as an attachment or within the contract, a list of any records or reports available to the Lessor that pertain to lead hazard information, or the failure to indicate that no such list exists, pursuant to 40 C.F.R. § 745.113(b)(3);
8. Failure to include in the contract for lease a statement by the Lessee affirming receipt of the information required by 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard pamphlet required under 15 U.S.C. § 2696, as specified in 40 C.F.R. § 745.113(b)(4);
9. Failure to include, in the contract as an attachment, a statement by the one or more Agents involved in the transaction to lease target housing that the Agent(s) has informed the Lessor of the Lessor's obligations, and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(b)(5);
10. Failure to include in the contract for lease the signatures of the Lessors, Agents, and Lessees, certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(b)(6); and
11. Failure to retain a copy of the completed disclosure records for no less than three years from the completion date of lease or sale pursuant to 40 C.F.R. § 745.113(C)(1).

Concurrences:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(1)

Mailing

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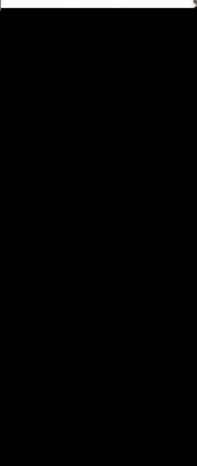





**UPS CampusShip: View/Print Label**

1. **Print the label(s):** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**  
**Customers without a Daily Pickup**  
Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.  
Hand the package to any UPS driver in your area.  
Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

**Customers with a Daily Pickup**

Your driver will pickup your shipment(s) as usual.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

2011

UNITED PARCEL SERVICE

Re: [REDACTED]  
Notice of Violation and Opportunity to Show Cause

Dear [REDACTED]

The documents you submitted in response to our Information Request Letter dated [REDACTED] 2011, were reviewed by [REDACTED] an authorized agent of the U.S. Environmental Protection Agency, to determine compliance with the Lead-based Paint Disclosure Rule of 1996. Based on the investigation, the EPA alleges that your company is in violation of Section 1018 of the *Residential Lead-Based Paint Hazard Reduction Act of 1992*, codified at 42 United States Code (U.S.C.), 4851 *et seq.*, and the regulations promulgated at 40 Code of Federal Regulations (C.F.R.) Part 745, Subpart F (Lead-Based Paint Disclosure Rule). This letter explains the nature of these violations as we understand them, given the information currently available to us.

Although settlement discussions may take place at subsequent stages of the enforcement process, we are, by this letter, offering the opportunity to conduct settlement discussions prior to the filing of a Complaint. If agreement on a settlement can be reached, the settlement would be implemented through a Consent Agreement and Final Order (CAFO). Outlined below is a Summary of the Violations, and application of the EPA's Enforcement Response and Penalty Policy (ERPP). For your information a copy of the ERPP is enclosed, together with Appendix B – "Gravity-Based Penalty Matrix." The Numbered List of Disclosure Rule Violations for Leases with the appropriate citation for each numbered violation is also enclosed.

**I. Summary of the Violations**

By failing to document compliance with the requirements of the Lead-Based Paint Disclosure Rule, the EPA Region 4 has identified the following violations from the Numbered List for each lease listed below:

[REDACTED] 2010.

Violations: #2, 3, 4, 6, 7, and 8.

[REDACTED] 2010; and  
[REDACTED] 2011.

Internet Address (URL) • <http://www.epa.gov>

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Violation: #9.

## II. Application of the Penalty Policy

"The purpose of the ERPP is to provide predictable and consistent enforcement responses and penalty amounts for violation of Section 1018, yet retain flexibility to allow for individual facts and circumstances of a particular case." (ERPP, Page 1). The EPA Region 4 follows the ERPP when settling Toxic Substances Control Act (TSCA) enforcement actions in an effort to provide fair and equitable treatment of the regulated community. This is the EPA's primary means for ensuring that similar violations receive similar treatment. Although, as the ERPP explains, there may be circumstances that warrant deviation from the ERPP, we must be able to explain and document any such deviations.

### A. Base Penalty Calculation

When calculating a penalty using the ERPP, the four statutory penalty factors found in TSCA Section 16, 15 U.S.C. 2615: nature, circumstances, extent, and gravity of the violation(s) are considered. This is accomplished through a two-step process: (1) the determination of a "base penalty," and (2) allowing for applicable and appropriate adjustments.

For TSCA Section 409 violations, and pursuant to Section 1018 of the Lead-Based Paint Rule and the ERPP, Appendix B (the inflation adjustment penalty matrix), a maximum penalty of \$16,000 can be assessed for each violation that occurred after January 12, 2009.

- The term "nature" represents the essential character of the violation, and incorporates the concept of whether the violation is of a "chemical control," "control-associated data gathering" or "hazard assessment" nature. Additional information regarding "nature" can be found on Page 11 of the ERPP.
- The term "circumstance" represents the probability of harm resulting from a particular type of violation. Additional information regarding "circumstances" can be found on Page 12 of the ERPP.
- The term "extent" represents the degree, range, or scope of a violation's potential for harm. Additional information regarding "extent" can be found on Pages 12 and 13 of the ERPP.

Considering these factors the EPA calculated a base penalty of [REDACTED] on [REDACTED] cases with [REDACTED] violations.

### B. Adjustments to the Base Penalty

In addition to the factors discussed above in Section A. Base Penalty Calculations, the EPA shall also consider whether adjustments are warranted with respect to the violator for:



- (1) The degree of culpability; and
- (2) Any history of prior such violations.

Degree of Culpability - This factor may be used to increase the gravity-based penalty. TSCA is a strict liability statute for civil actions, so that culpability is irrelevant to the determination of legal liability. However, this does not render the violator's culpability irrelevant in assessing an appropriate penalty. Knowing or willful violations generally reflect an increased culpability on the part of the violator and may even give rise to criminal liability. The culpability of the violator should be reflected in the amount of the penalty, which may be adjusted upward by up to 25 percent.

Prior History of Violations - A prior history of violations of the Pre Renovation Education, Renovation, Repair and Painting, or Lead-Based Paint Activities Rules should be reflected in the amount of the penalty. The gravity-based penalty matrices are designed to apply to "first offenders." Where a violator has demonstrated a similar history of "such violations," the Act requires the penalty to be adjusted upward by as much as 25 percent.

Consistent with the factors set forth in TSCA Section 16, the ERPP directs us to consider various factors relevant to the violator's situation. We believe the following "adjustment factors" described below may be applicable for downward adjustments or reductions to the \$ [REDACTED] base penalty.

In cases where a settlement is negotiated prior to a hearing, after other factors have been applied as appropriate, the EPA may reduce the resulting adjusted proposed gravity-based penalty up to a total of 30 percent, but not more than the calculated economic benefit from non-compliance for attitude, if the circumstances warrant.

In addition to creating an incentive for cooperative behavior during the compliance evaluation and enforcement process, this adjustment factor further reinforces the concept that Respondents face a significant risk of higher penalties in litigation than in settlement. The attitude adjustment has three components: cooperation, immediate steps taken to comply with the LBP rules, and early settlement:

- The EPA may reduce the adjusted proposed penalty up to 10 percent based on a Respondent's cooperation throughout the entire compliance monitoring, case development, and settlement process.
- The EPA may reduce the adjusted proposed penalty up to 10 percent for a Respondent's immediate good faith efforts to comply with the violated regulation and the speed and completeness with which it comes into compliance.
- The EPA may reduce the adjusted proposed penalty up to 10 percent if the case is settled before the filing of pre-hearing exchange documents.

One of the reasons for our decision to send this letter prior to filing a Complaint is to provide [REDACTED] with an opportunity to maximize this particular avenue for flexibility in the ERPP.

In presenting this analysis of the ERPP, we hope to provide a foundation for settlement discussions should [REDACTED] accept this invitation to enter into such a dialogue. Additionally, for settlement purposes only, we may consider reducing the proposed penalty of [REDACTED] sing any of the applicable adjustment factors previously stated.

Since your company may be classified as a small business, we have enclosed a copy of an Information Sheet titled "U.S. EPA Small Business Resources." This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act (SBREFA).

If [REDACTED] wishes to engage in settlement dialogue, we request that you contact [REDACTED] (404) [REDACTED] within 14 days of receipt of this letter. You may also respond in writing with a specific settlement offer that is responsive to the ERPP and to the EPA's settlement requirements as outlined in this letter.

[REDACTED]  
Lead and Children's  
Health Section

Enclosures (2)



## **Numbered List of Disclosure Rule Violations for Leases**

1. Failure to provide Lessee an EPA-approved lead hazard information/pamphlet, pursuant to 40 C.F.R. § 745.107(a)(1);
2. Failure to disclose to Lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, pursuant to 40 C.F.R. § 745.107(a)(2);
3. Failure to disclose to each Agent the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, and the existence of any available records or reports pertaining to lead-based paint, pursuant to 40 C.F.R. § 745.107(a)(3);
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5. Failure to include, as an attachment or within the contract to lease target housing, the appropriate Lead Warning Statement, pursuant to 40 C.F.R. § 745.113(b)(1);
6. Failure to include, as an attachment or within the contract, a statement by the Lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards, or indicating no knowledge of the presence of lead-based paint and/or lead based paint hazards, pursuant to 40 C.F.R. § 745.113(b)(2);
7. Failure to include, as an attachment or within the contract, a list of any records or reports available to the Lessor that pertain to lead hazard information, or the failure to indicate that no such list exists, pursuant to 40 C.F.R. § 745.113(b)(3);
8. Failure to include in the contract for lease a statement by the Lessee affirming receipt of the information required by 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard pamphlet required under 15 U.S.C. § 2696, as specified in 40 C.F.R. § 745.113(b)(4);
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10. Failure to include in the contract for lease the signatures of the Lessors, Agents, and Lessees, certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(b)(6); and
11. Failure to retain a copy of the completed disclosure records for no less than three years from the completion date of lease or sale pursuant to 40 C.F.R. § 745.113(C)(1).

Concurrences:

[REDACTED]

[REDACTED]

Admin

[REDACTED]

[REDACTED]

Mailing



**PESTICIDES & TOXIC  
SUBSTANCES BRANCH**  
Lead and Children's Health Section



Document: TSCA Section 1018 / NOV & Opportunity to Show Cause Letter  
Respondent: [REDACTED]  
REF. NO.: TSCA-IV-[REDACTED]

Routing Slip	
To:	Initials      Date
1. [REDACTED] riginator – (Prepare electronic documents for “G” drive)	[REDACTED] 11
2. PTSB Admin - (Review/Edit/Print/brown folder)	[REDACTED] 11
3. , Enforcement Coordinator – (Review/Concur)	[REDACTED] 11
4. [REDACTED] - (Signature )	[REDACTED] 11
5. PTSB Admin. - (Copying/Mailing UPS)	[REDACTED] 11
<u>Notes:</u>	
<u>Remarks:</u>	
FROM: [REDACTED]	LCHS
	EXT.: [REDACTED]

Updated: 7/27/2011 3:49 PM-[REDACTED]





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

2011

UNITED PARCEL SERVICE

Re: [REDACTED]  
Notice of Violation and Opportunity to Show Cause

Dear [REDACTED]

The documents you submitted in response to our Information Request Letter dated [REDACTED] 2011, were reviewed by [REDACTED] an authorized agent of the U.S. Environmental Protection Agency, to determine compliance with the Lead-based Paint Disclosure Rule of 1996. Based on the investigation, the EPA alleges that your company is in violation of Section 1018 of the *Residential Lead-Based Paint Hazard Reduction Act of 1992*, codified at 42 United States Code (U.S.C.), 4851 *et seq.*, and the regulations promulgated at 40 Code of Federal Regulations (C.F.R.) Part 745, Subpart F (Lead-Based Paint Disclosure Rule). This letter explains the nature of these violations as we understand them, given the information currently available to us.

Although settlement discussions may take place at subsequent stages of the enforcement process, we are, by this letter, offering the opportunity to conduct settlement discussions prior to the filing of a Complaint. If agreement on a settlement can be reached, the settlement would be implemented through a Consent Agreement and Final Order (CAFO). Outlined below is a Summary of the Violations, and application of the EPA's Enforcement Response and Penalty Policy (ERPP). For your information a copy of the ERPP is enclosed, together with Appendix B – "Gravity-Based Penalty Matrix." The Numbered List of Disclosure Rule Violations for Leases with the appropriate citation for each numbered violation is also enclosed.

**I. Summary of the Violations**

By failing to document compliance with the requirements of the Lead-Based Paint Disclosure Rule, the EPA Region 4 has identified the following violations from the Numbered List for each lease listed below:

[REDACTED] 2009;  
[REDACTED] 2009;  
[REDACTED] 2009;  
[REDACTED] 2008;  
[REDACTED] 2009;

2009;  
2009;  
2009;  
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2009;  
2009;  
2009;  
2009;  
2009;  
2009;  
2009;  
2008;  
2008;  
2008;  
2008; and  
2008.

Violations: #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11.

## II. Application of the Penalty Policy

"The purpose of the ERPP is to provide predictable and consistent enforcement responses and penalty amounts for violation of Section 1018, yet retain flexibility to allow for individual facts and circumstances of a particular case." (ERPP, Page 1). The EPA Region 4 follows the ERPP when settling Toxic Substances Control Act (TSCA) enforcement actions in an effort to provide fair and equitable treatment of the regulated community. This is the EPA's primary means for ensuring that similar violations receive similar treatment. Although, as the ERPP explains, there may be circumstances that warrant deviation from the ERPP, we must be able to explain and document any such deviations.

### A. Base Penalty Calculation

When calculating a penalty using the ERPP, the four statutory penalty factors found in TSCA Section 16, 15 U.S.C. 2615: nature, circumstances, extent, and gravity of the violation(s) are considered. This is accomplished through a two-step process: (1) the determination of a "base penalty," and (2) allowing for applicable and appropriate adjustments.

For TSCA Section 409 violations, and pursuant to Section 1018 of the Lead-Based Paint Rule and the ERPP, Appendix B (the inflation adjustment penalty matrix), a maximum penalty of \$16,000 can be assessed for each violation that occurred after January 12, 2009.

- The term "nature" represents the essential character of the violation, and incorporates the concept of whether the violation is of a "chemical control," "control-associated data gathering" or "hazard assessment" nature. Additional information regarding "nature" can be found on Page 11 of the ERPP.



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Considering these factors the EPA calculated a base penalty of [REDACTED] on [REDACTED] leases with [REDACTED] violations.

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In addition to the factors discussed above in Section A, Base Penalty Calculations, the EPA shall also consider whether adjustments are warranted with respect to the violator for:

- (1) The degree of culpability; and
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Since your company may be classified as a small business, we have enclosed a copy of an Information Sheet titled "U.S. EPA Small Business Resources." This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act (SBREFA).

If [REDACTED] wishes to engage in settlement dialogue, we request that you contact [REDACTED] at (404) [REDACTED] within 14 days of receipt of this letter. You may also respond in writing with a specific settlement offer that is responsive to the ERPP and to the EPA's settlement requirements as outlined in this letter.

[REDACTED]  
Lead and Children's  
Health Section

Enclosures (2)



## **Numbered List of Disclosure Rule Violations for Leases**

1. Failure to provide Lessee an EPA-approved lead hazard information/pamphlet, pursuant to 40 C.F.R. § 745.107(a)(1);
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3. Failure to disclose to each Agent the presence of any known lead-based paint and/or lead-based paint hazards in the target housing, and the existence of any available records or reports pertaining to lead-based paint, pursuant to 40 C.F.R. § 745.107(a)(3);
4. Failure to provide Lessee any records or reports available to the Lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing, as cited at 40 C.F.R. § 745.107(a)(4);
5. Failure to include, as an attachment or within the contract to lease target housing, the appropriate Lead Warning Statement, pursuant to 40 C.F.R. § 745.113(b)(1);
6. Failure to include, as an attachment or within the contract, a statement by the Lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards, or indicating no knowledge of the presence of lead-based paint and/or lead based paint hazards, pursuant to 40 C.F.R. § 745.113(b)(2);
7. Failure to include, as an attachment or within the contract, a list of any records or reports available to the Lessor that pertain to lead hazard information, or the failure to indicate that no such list exists, pursuant to 40 C.F.R. § 745.113(b)(3);
8. Failure to include in the contract for lease a statement by the Lessee affirming receipt of the information required by 40 C.F.R. § 745.113(b)(2) and (b)(3), and the lead hazard pamphlet required under 15 U.S.C. § 2696, as specified in 40 C.F.R. § 745.113(b)(4);
9. Failure to include, in the contract as an attachment, a statement by the one or more Agents involved in the transaction to lease target housing that the Agent(s) has informed the Lessor of the Lessor's obligations, and that the Agent(s) is aware of his duty to ensure compliance, pursuant to 40 C.F.R. § 745.113(b)(5);
10. Failure to include in the contract for lease the signatures of the Lessors, Agents, and Lessees, certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature, pursuant to 40 C.F.R. § 745.113(b)(6); and
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Concurrences:

[Redacted]

[Redacted]

Admin

[Redacted]

[Redacted]

Mailing



Updated: 7/25/2011 4:56 PM-



## UPS CampusShip: View/Print Label

1. **Print the label(s):** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

### 3. GETTING YOUR SHIPMENT TO UPS

#### Customers without a Daily Pickup

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.

Hand the package to any UPS driver in your area.

Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

#### Customers with a Daily Pickup

Your driver will pickup your shipment(s) as usual.

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<p>0.0 LBS LTR</p> <p>1 OF 1</p> <p>US EPA REGION 4 61 FORSYTH ST SW ATLANTA GA 30303</p> <p>SHIP TO</p> <p>[Redacted Address]</p>	<p>[Redacted Address]</p> <p>[Redacted Address]</p> <p>[Redacted Address]</p> <p>[Redacted Address]</p>	<p>UPS NEXT DAY AIR</p> <p>1</p> <p>TRACKING # [Redacted]</p>	<p>[Redacted Address]</p> <p>[Redacted Address]</p> <p>[Redacted Address]</p> <p>[Redacted Address]</p>	<p>BILLING: P/P</p> <p>Reference # 1: Air</p> <p>CS 13532</p> <p>[Redacted Address]</p> <p>[Redacted Address]</p>
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

2011

UNITED PARCEL SERVICE

Re: [REDACTED]  
Proposed Consent Agreement and Final Order  
Docket No.: TSCA- [REDACTED]

Dear [REDACTED]

Enclosed is the proposed Consent Agreement and Final Order (CAFO) resulting from settlement discussions to resolve alleged violations of Section 15 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2614, and the regulations promulgated at 40 C.F.R. Part 745, Subpart F, by the referenced party. Please review the CAFO and if it is acceptable, sign and date it in the places indicated. The original signed and dated CAFO should be returned to [REDACTED] at the above address within 14 calendar days of your receipt. If you have any questions or concerns with the document, please convey them to [REDACTED] of the Region 4 staff at (404) [REDACTED] within this timeframe.

Upon our receipt, your original signed and dated CAFO will be forwarded to the Air, Pesticides and Toxics Management Division Director for signature. The signed CAFO will then be transmitted to the Regional Judicial Officer for approval and then to the Regional Hearing Clerk for filing. The Regional Hearing Clerk will send a copy of the filed CAFO to you.

**Please do not submit any penalty payment prior to receiving the copy of the signed, approved, and filed CAFO sent to you by the Regional Hearing Clerk.** Thank you for your cooperation in reaching resolution of this matter.

Sincerely,

[REDACTED]  
Pesticides and Toxic  
Substances Branch

Enclosure

## UPS CampusShip: View/Print Label

1. **Print the label(s):** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

3. **GETTING YOUR SHIPMENT TO UPS****Customers without a Daily Pickup**

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.

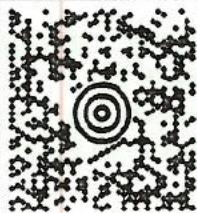

Hand the package to any UPS driver in your area.

Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

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<div data-bbox="168 1066 203 1159" style="writing-mode: vertical-rl; transform: rotate(180deg);">1 OF 1</div> <div data-bbox="168 1260 203 1457" style="writing-mode: vertical-rl; transform: rotate(180deg);">0.0 LBS LTR</div> <div data-bbox="219 1633 267 1810" style="writing-mode: vertical-rl; transform: rotate(180deg);">         61 FORSYTH ST SW          ATLANTA GA 30303       </div> <div data-bbox="292 1239 495 1795" style="background-color: black; width: 125px; height: 265px;"></div>	<div data-bbox="560 1113 755 1501" style="background-color: black; width: 120px; height: 185px;"></div> <div data-bbox="560 1585 771 1816">  </div>	<div data-bbox="787 1165 868 1218" style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: 2em;">1</div> <div data-bbox="787 1375 836 1816" style="writing-mode: vertical-rl; transform: rotate(180deg);"> <b>UPS NEXT DAY AIR</b>          TRACKING       </div>	<div data-bbox="885 1176 1096 1669" style="background-color: black; width: 130px; height: 235px;"></div>	<div data-bbox="1112 1680 1144 1816" style="writing-mode: vertical-rl; transform: rotate(180deg);">BILLING: P/P</div> <div data-bbox="1226 1633 1258 1816" style="writing-mode: vertical-rl; transform: rotate(180deg);">Reference # 1: Air</div> <div data-bbox="1234 1081 1282 1228" style="text-align: center;">  </div> <div data-bbox="1266 1428 1282 1501" style="writing-mode: vertical-rl; transform: rotate(180deg);">CS 13 6 12</div>
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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
ATLANTA, GEORGIA

In the Matter of:

[REDACTED]

Respondent.

Docket No.: TSCA-

[REDACTED]

**CONSENT AGREEMENT AND FINAL ORDER**

**I. Nature of the Action**

1. This is a civil penalty proceeding pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, U. S. Environmental Protection Agency, Region 4. Respondent is [REDACTED]  
[REDACTED]
2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

## **II. Preliminary Statements**

3. The Administrator of the EPA promulgated regulations at 40 C.F.R. Part 745, Subpart F under the authority of Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d, also known as Title X of the Housing and Community Development Act of 1992. Pursuant to Title X, it is a prohibited act under Section 409 of TSCA, 15 U.S.C. § 2689, for any person to fail or refuse to comply with a provision of Title X or any rule or order issued under Title X.
4. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, the penalty for each violation of Title X of TSCA shall not exceed \$10,000. The Debt Collection Improvement Act of 1996 requires EPA to review and adjust penalties, as necessary, for inflation at least once every four years. As such, pursuant to the Adjustment of Civil Monetary Penalties for Inflation Rule, 40 C.F.R. Part 19, the revised maximum penalty for each violation of Title X occurring after January 30, 1997, through January 12, 2009, is \$11,000 and for each violation occurring after January 12, 2009, the maximum penalty is \$16,000.
5. The authority to take action under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under TSCA to EPA Region 4 by EPA Delegation 12-2-A, dated May 11, 1994. The Regional Administrator, Region 4, has redelegated this authority to the Director, Air, Pesticides and Toxics Management Division, by EPA Region 4 Delegation 12-2-A. Pursuant to the aforementioned Delegations, the Director of Air, Pesticides and Toxics Management Division has authority to commence an enforcement action as the Complainant in this matter.

6. Pursuant to 40 C.F.R. § 22.5(c)(4) the following individual is authorized to receive service for EPA in this proceeding:



### **III. Specific Allegations**

7. Respondent is a Lessor, as defined at 40 C.F.R. § 745.103, of residential housing located at [REDACTED]. These residential units are “target housing,” as defined at 40 C.F.R. § 745.103.
8. Based on information obtained by EPA on or about July 13, 2010, relating to Respondent’s contracts to lease its target housing described above, EPA alleges that Respondent violated Section 409 of TSCA and 40 C.F.R. Part 745, Subpart F as follows:
- a. Pursuant to 40 C.F.R. § 745.107(a)(1), a Lessor shall provide the Lessee an EPA-approved lead hazard information pamphlet before the Lessee is obligated under any contract to lease target housing. Respondent failed to provide Lessee an EPA-approved pamphlet in at least one lease.
  - b. Pursuant to 40 C.F.R. § 745.107(a)(2), a Lessor shall disclose to the Lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing. Respondent failed to disclose to the Lessee the presence of any known lead-based paint in at least one lease.
  - c. Pursuant to 40 C.F.R. § 745.107(a)(3), a Lessor shall disclose to each Agent the presence of any known lead-based paint and/or lead-based paint hazards in the target





- housing, and the existence of any available records or reports pertaining to lead-based paint. Respondent failed to disclose to the Agent the presence of any known lead-based paint and the existence of any records or reports in at least one lease.
- d. Pursuant to 40 C.F.R. § 745.107(a)(4), a Lessor shall provide to the Lessee any records or reports available to the Lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing. Respondent failed provide to the Lessee any records or reports in at least one lease.
- e. Pursuant to 40 C.F.R. § 745.113(b)(1), each contract to lease target housing shall include, as an attachment to or within the contract, the Lead Warning Statement. Respondent failed to include an appropriate statement in at least one lease.
- f. Pursuant to 40 C.F.R. § 745.113(b)(2), each contract to lease target housing shall include, as an attachment to or within the contract, a statement disclosing the presence of known lead-based paint and/or lead-based paint hazards in the target housing being leased, or a statement indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards. Respondent failed to include an appropriate statement in at least one lease.
- g. Pursuant to 40 C.F.R. § 745.113(b)(3), each contract to lease target housing shall include, as an attachment to or within the contract, a list of any records or reports available to the Lessor that pertain to lead hazard information, or an indication that no such list exists. Respondent failed to include the appropriate information in at least one lease.
- h. Pursuant to 40 C.F.R. § 745.113(b)(4), each contract to lease target housing shall include in the contract for lease a statement by the Lessee affirming receipt of the

information. Respondent failed to include the appropriate information in at least one lease.

- i. Pursuant to 40 C.F.R. § 745.113(b)(5), each contract to lease target housing shall include, as an attachment to or within the contract, a statement by the one or more Agents involved in the transaction to lease target housing that the Agent(s) has informed the Lessor of the Lessor's obligations and that the Agent(s) is aware of his duty to ensure compliance. Respondent failed to include the appropriate information in at least one lease.
- j. Pursuant to 40 C.F.R. § 745.113(b)(6), each contract to lease target housing shall include in the contract for lease signatures of the Lessor, Agent, and Lessee certifying to the accuracy of their statements, as well as dates. Respondent failed to include the appropriate information in at least one lease.
- k. Pursuant to 40 C.F.R. § 745.113(c)(1), a Lessor shall retain a copy of the completed disclosure records for no less than three years from the completion date of the lease. Respondent failed to retain a copy of the completed disclosure records.

#### **IV. Consent Agreement**

- 9. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations set forth above.
- 10. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed Final Order accompanying the Consent Agreement.
- 11. Respondent consents to the assessment of the penalty proposed by EPA and agrees to pay the civil penalty as set forth in this CAFO.
- 12. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance

with all relevant requirements of 40 C.F.R. Part 745, Subpart F.

13. Compliance with this CAFO shall resolve the allegations of the violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.
14. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of TSCA.

#### **V. Final Order**

15. Respondent is assessed a civil penalty of [REDACTED] which shall be paid within thirty (30) days of the effective date.
16. Respondent shall remit the penalty payment by either a cashier's or certified check made payable to the "Treasurer, United States of America."

**The Respondent shall note on the face of the check the Respondent's Name and the Docket Number associated with this CAFO.**

The penalty payment shall be sent by one of the following methods to the address identified for the method chosen:

Address for payment submittal using the United States Postal Service:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000.

Address for payment submittal using other mail service (e.g., Federal Express,



United Parcel Service (UPS), DHL, etc.):

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, Missouri 63101  
Contact Person: [REDACTED]

17. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment is being made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303-8960;

[REDACTED]  
Lead and Children's Health Section  
U.S. EPA Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303-8960; and

[REDACTED]  
Office of Environmental Accountability  
U.S. EPA Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303-8960.

18. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.
19. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also

be assessed to cover the administrative costs, both direct and indirect, of overdue debts.

In addition, a late payment penalty charge shall be applied on any principal amount not paid within 90 days of the due date.

20. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
21. This CAFO shall be binding upon the Respondent, its successors and assigns.
22. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally binds that party to this CAFO.

**The remainder of this page intentionally left blank.**



**VI. Effective Date**

23. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

**AGREED AND CONSENTED TO:**

**Respondent:**

**Docket No.:**

TSCA

By: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Complainant:**

**U.S. ENVIRONMENTAL PROTECTION AGENCY**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Air, Pesticides and Toxics  
Management Division

**APPROVED AND SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_

Date: \_\_\_\_\_

Regional Judicial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

2011

UNITED PARCEL SERVICE

Re: Ability to Pay Request for Information

Dear [REDACTED]

The purpose of this communication is to further our discussion on [REDACTED] 2010, regarding [REDACTED] ability to pay penalties imposed on your facility for violation of Section 1018 of the *Residential Lead-Based Paint Hazard Reduction Act of 1992*, codified at 42 United States Code (U.S.C.), 4851 *et seq.*, and the regulations promulgated at 40 Code Federal Regulations (C.F.R.) Part 745, Subpart F (Lead-Based Paint Disclosure Rule). On [REDACTED] 2010, it was stated that [REDACTED] could not afford to pay the assessed penalty of [REDACTED] without incurring an adverse economic impact.

In order to claim inability to pay, [REDACTED] must provide the U.S. Environmental Protection Agency with the following information and document(s):

- The last three to five years of tax returns;\*
- Balance sheets;
- Income statements (last three to five years);
- Statement explaining inability to pay;
- Statement of operations;
- Information on business and corporate structure;
- Retained earnings statements;
- Loan applications, financing agreements, security agreements;
- Annual Budget (last three to five years);
- Annual and quarterly reports to shareholders and the SEC, including 10K reports; and
- Statements of assets and liabilities.

\*In the event you do not have a copy of the tax forms requested, the enclosed Form 4506 should be used to obtain a copy of the returns from the IRS.

Because the Ability to Pay determination focuses on a violator's cash flow, there are other sources of revenue that should also be considered to determine if a firm or individual is unable to pay the full

penalty. These documents may include ownership of related entries (e.g., the violator is a wholly owned subsidiary of a Fortune 500 company). Enclosed is a model package of the generally submitted details, EPA may request additional information to determine if the firm or individual is unable pay the full penalty.

Please complete and return the enclosed forms along with all requested information within 15 days of receipt of this letter. All information will be reviewed by the Agency's Office of Environmental Accountability to determine [REDACTED] ability to pay the total penalty of [REDACTED]

If you have any questions concerning the process or your requirements, please contact [REDACTED] of the EPA Region 4 staff at (404) [REDACTED]

Sincerely,

[REDACTED]



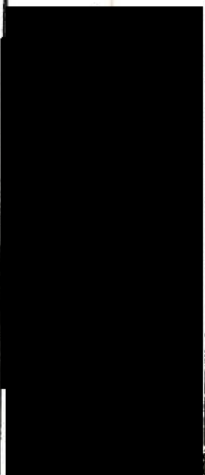

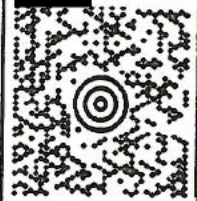

Lead and Children's  
Health Section

Enclosure

**UPS CampusShip: View/Print Label**

1. **Print the label(s):** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
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		<b>UPS NEXT DAY AIR</b>		TRACKING #		
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

011

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If you have any questions concerning the process or your requirements, please contact [REDACTED] of the EPA Region 4 staff at (40 [REDACTED])

Sincerely,

[REDACTED]

Lead and Children's  
Health Section

Enclosures

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
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8-22-94  
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If you have any questions concerning the process or your requirements, please contact [REDACTED] of the EPA Region 4 staff at (404) [REDACTED]

Sincerely,

[REDACTED]

Lead and Children's  
Health Section

Enclosure




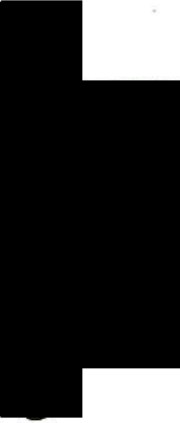



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SHIP TO: 61 FORSYTH ST SW ATLANTA GA 30303		UPS NEXT DAY AIR	TRACKING #:	BILLING: P/P	Reference # 1: Air





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
51 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

2011

UNITED PARCEL SERVICE

Re: Toxic Substances Control Act  
Notice of Noncompliance  
Ref. No.: TSCA-IV-

Dear

Enclosed is a Notice of Noncompliance (NON) concerning violations of Section 409 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2689, and the Real Estate Notification and Disclosure Rule (Disclosure Rule) which is codified at 40 C.F.R. Part 745, Subpart F. This Notice is based upon evidence obtained during an inspection conducted at to determine compliance with TSCA. You should carefully review the NON and fulfill the requirements as stipulated.

The "RESPONSE TO NON" statement must be completed and returned to at the above address, within 30 days of receipt of this letter.

Should you have any questions about this Notice, you may contact at (404)

Sincerely,

Lead and Children's  
Health Section

2007.

By failing to document compliance with the requirements of the Lead-Based Paint Disclosure Rule, the EPA Region 4 has identified the following violations for the contract reviewed:

1. Failed to provide Purchaser or Lessee EPA-approved lead hazard information/pamphlet pursuant to 40 C. F. R. § 745.107(a)(1);
2. Failed to include as an attachment or within the contract, a statement by one or more agents involved in the transaction to lease target housing that the agent(s) has informed the Lessor of the Lessor's obligations and that the agent(s) is aware of his duty to ensure compliance, pursuant to 40 C. F. R. § 745.113(b)(5) and
3. Failed to include in the contract for lease signatures of the Lessor, Agent and Lessee certifying to the accuracy of their statements, as well dates, pursuant to 40 C. F. R. § 745.113(b)(6).

Failure to retain a copy of the completed disclosure records for no less than three years from the completion date of the lease pursuant to 40 C.F.R. § 745.113(6)(c)(1).

Violations of the Disclosure Rule are subject to civil penalties of up to \$25,000 per violation, pursuant to TSCA Section 16. At this time, the EPA Region 4 is not seeking civil penalties or proceeding with a formal enforcement action, although any future violations may result in civil penalties. To demonstrate compliance with the Disclosure Rule, please return this original NON, along with a current Lease and lead-based paint disclosure, to the following individual within 30 days of receiving this Notice of Noncompliance:

[REDACTED]  
Lead and Children's Health Section  
U.S. EPA, Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303-8960

If you have any questions about the Disclosure Rule requirements or about this Notice of Noncompliance, please contact [REDACTED] (404) [REDACTED]

[REDACTED]  
Lead and Children's Health Section

\_\_\_\_\_  
Date

[REDACTED]  
REF. NO.: TSCA [REDACTED]

## RESPONSE TO NOTICE OF NONCOMPLIANCE

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, I hereby CERTIFY that I have taken the necessary steps to correct the violations listed in this NON and return to full compliance status. I have attached a summary of the actions taken, together with documentation to verify compliance.

NAME: \_\_\_\_\_ (Signature)

NAME: \_\_\_\_\_ (Printed or Typed)

TITLE: \_\_\_\_\_

REF. NO.: TS





**PESTICIDES & TOXIC  
SUBSTANCES BRANCH**  
Lead and Children's Health Section



Document: TSCA Section 409 TSCA / NON Letter (Sales or Leasing)  
Company Name: [REDACTED]  
REF. NO.: TSCA-IV [REDACTED]

Routing Slip		
To:	Initials	Date
1. [REDACTED] Originator	[REDACTED]	[REDACTED]
2. PTSB Admin - (Review/Edit/Print/ use brown folder)	[REDACTED]	[REDACTED] /11
3. Enforcement Coordinator - (Review/Concur)	[REDACTED]	[REDACTED]
4. [REDACTED] Signature )	[REDACTED]	[REDACTED]
5. Admin. - (Copying/Mailing-UPS)	[REDACTED]	[REDACTED] /1
NOTES:		
REMARKS:		
FROM: [REDACTED]	LCHS	EXT.: [REDACTED]



**UPS CampusShip: View/Print Label**

1. **Print the label(s):** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**  
**Customers without a Daily Pickup**  
Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.  
Hand the package to any UPS driver in your area.  
Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.  
  
**Customers with a Daily Pickup**  
Your driver will pickup your shipment(s) as usual.

FOLD HERE

**SHIP TO:**

[Redacted]

[Redacted]

[Redacted]

**BILLING: P/P**

Reference # 1: Air

USPS Registered Mail™  
61 FORSYTH ST SW  
ATLANTA GA 30303

**UPS NEXT DAY AIR**

**TRACKING #: [Redacted]**

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Count	Log No.	ICIS #	Inspection Date	Inspector	CDO	T & C Number	IRL Number	Name	City	Stat	EJ Area (County)	Type	Review Date	Review Determ.	Doc. sent	Penalty Amount \$	Show Cause	Final Penalty \$	CAFO Signed	Case #	Closed
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